

## **Chapter 48 ZONING<sup>1</sup>**

### ***ARTICLE 1.00 INTENT***

#### **Section 1.01. Intent.**

It is the intent of this Ordinance to improve and protect the public health, safety and general welfare of the residents of Lyon Township. To this end the Ordinance seeks:

- A. To further the implementation of the adopted master plan;
- B. To conserve property values and encourage the most appropriate use of land throughout the township;
- C. To protect all areas from encroachment by incompatible uses;
- D. To establish adequate standards for the provision of light, air, and open spaces;
- E. To prevent the overcrowding of land and concentration of population, thereby preventing blight and deterioration;
- F. To minimize congestion on public streets;
- G. To facilitate provision of adequate public services and facilities such as transportation, water, sewerage, and parks;
- H. To provide for adequate drainage, control of erosion, reduction of flood damage, and preservation of sensitive or valuable environmental resources;
- I. To foster compatible relationships among residential, commercial, industrial, and other uses;
- J. To isolate and control the location of unavoidable nuisance-producing uses;
- K. To fix reasonable standards to which buildings, structures, and other uses of land shall conform;

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<sup>1</sup>Editor's note(s)—Printed herein is the 2012 publication of the amended Zoning Ordinance for the Lyon Charter Township, Oakland County, Michigan. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross reference(s)—Any ordinance pertaining to zoning saved from repeal, § 1-6(15); zoning districts for mechanical public amusements, § 6-33; buildings and building regulations, ch. 10; community development, ch. 14; environment, ch. 18; land divisions and subdivisions, ch. 22; zoning requirements for land divisions, § 22-113; subdivision regulations, § 22-151 et seq.; planning, ch. 34; streets, sidewalks and other public places, ch. 40; telecommunications, ch. 42; franchises, app. A.

State law reference(s)—Township Rural Zoning Act, MCL 125.271 et seq.; township planning, MCL 125.321 et seq.

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- L. To prevent new construction or alteration or expansion of existing structures or uses that do not comply with the restrictions herein;
  - M. To provide for the elimination of existing structures or use that do not comply with the restrictions herein;
  - N. To define the powers and duties of the officers and bodies charged with the enforcement of this Ordinance;
  - O. To prescribe penalties for any violation of the provisions herein.

## **ARTICLE 2.00 SEVERABILITY, REPEAL, EFFECTIVE DATE, ADOPTION**

### **Section 2.01. Severability.**

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be adjudged unconstitutional or invalid by any court for any reason, such judgment shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building, or structure in the township, unless otherwise stated in the judgment.

### **Section 2.02. Repeal.**

The Zoning Ordinance adopted by the Charter Township of Lyon on September 5, 2006, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above ordinance and its amendment does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

### **Section 2.03. Effective date.**

Made and passed by the Township Board of the Charter Township of Lyon, Oakland County, Michigan on this September 5, 2006, and effective upon the expiration of seven days after publication, pursuant to the provisions of Sections 401 and 402 of Public Act 110 of 2006, as amended.

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

### **Section 2.04. Adoption.**

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the Township Board of Trustees on the September 5, 2006.

- A. Public hearing by planning commission: June 26, 2006.
- B. Resolution of planning commission to approve zoning ordinance text and recommend township board adoption: June 26, 2006.
- C. Right to review waived by county coordinating committee: \_\_\_\_\_.
- D. Resolution of township board to adopt zoning ordinance text : September 5, 2006.
- E. Resolution of township board to adopt zoning ordinance text and map: November 12, 1991.

_____	_____
Supervisor	Clerk
_____	_____
I, Pamela S. Johnson, Clerk of the Charter Township of Lyon hereby certify that notice of adoption of the foregoing ordinance was published pursuant to the provisions of Sections 402 and 403 of Public Act 110 of 2006, as amended, in a newspaper of general circulation in the Township of Lyon on the _____.	
_____	_____
Pamela S. Johnson, Township Clerk	Date

**ARTICLE 3.00 RULES OF CONSTRUCTION AND DEFINITIONS**

**Section 3.01. Rules of construction.**

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. Words used in the present tense shall include the future.
- C. Words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- D. The word shall is always mandatory and not discretionary. The word may is permissive.
- E. The masculine gender includes the feminine and neuter.
- F. All measurements shall be to the nearest integer, unless otherwise specified herein.
- G. The phrase used for includes arranged for, designed for, intended for, occupied for, and maintained for.
- H. The word building includes the word structure. The word build includes the words erect and construct. A building or structure includes any part thereof.
- I. The word person includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- J. Whenever a word or term defined hereinafter appears in the text of the ordinance, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction and, or, or either/or, the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

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- L. Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this Ordinance.
  - M. Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustrations.

### **Section 3.02. Definitions.**

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

*Accessory use, building, or structure:* A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

*Adult regulated uses:* As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- A. *Adult book or supply store.* An establishment having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas (as described herein), or an establishment with a segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- B. *Group "A" cabaret.* An establishment which features any of the following: Topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.
- C. *Adult motion picture theater or adult live stage performing theater.* An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- D. *Adult model studio.* Any place where models who display specified anatomical areas (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bona fide art school or similar educational institution.
- E. *Adult motel.* A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to specified sexual activities or specified anatomical areas (as defined herein).
- F. *Adult motion picture arcade.* Any place where 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 displayed depict, describe, or relate to specified sexual activities or specified anatomical areas.
- G. *Massage parlor or massage establishment.* A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: A duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physicians directions; or, registered

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physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physicians direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

- H. *Adult outdoor motion picture theater.* A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- I. *Specified anatomical areas.* Portions of the human body defined as follows:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- J. *Specified sexual activities.* The explicit display of one or more of the following:
1. Human genitals in a state of sexual stimulations or arousal.
  2. Acts of human masturbation, sexual intercourse, or sodomy.
  3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

*Agricultural tourism (also known as agritourism and agtourism):* The practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

*Agriculturally related uses:* Agricultural tourism activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes.

*Airport:* A cleared and leveled area where aircraft can take off and land. Airports typically have hard-surfaced landing strips, a control tower, hangars, passenger terminals, and accommodations for cargo.

*Alley:* A dedicated public vehicular way usually between or behind buildings, which affords a secondary means of access to abutting property but is not intended for general traffic circulation or for parking, standing or loading.

*Alterations:* Any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns, or beams or girders, or any change which may be referred to herein as altered or reconstructed.

*Ambient sound level:* The sound pressure level exceeded 90 percent of the time (L90).

*Animal hospital:* See *Clinic, veterinary.*

*Apartment:* See *Dwelling, multiple-family.*

*Arcade:* Any establishment which provides on its premises three or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

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*Attached wireless communications facilities:* Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established is not included in this definition.

*Automobile:* Unless specifically indicated otherwise, automobile shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

*Automobile or vehicle dealership:* A building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

*Base flood:* The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

*Basement:* That portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

*Bed and breakfast:* A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

*Bedroom:* A room designed or used in whole or part for sleeping purposes.

*Berm:* See *Landscaping*.

*Block:* The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the township, or any other barrier to the continuity of development.

*Board of appeals:* The Lyon Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.

*Boarding house:* A building, other than a hotel, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A rooming house shall be deemed a boarding house for the purposes of this Ordinance.

*Brewpub:* An eating and drinking establishment that includes the brewing of beer (including ale) as an accessory use for sale on the same premises of not more than 5,000 barrels per year. (A barrel is equivalent to 31 U.S. gallons.)

*Buildable area:* The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

*Building:* "Building" means a structure, whether temporary or permanent, having a roof supported by columns or walls, which provides shelter for use or occupancy by persons, animals, or property. The term does not include a building incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. The term shall be construed as though followed by the words "or part or parts of the building and all equipment in the building" unless the context clearly requires a different meaning.

*Building, accessory:* See *Accessory use, building, or structure*.

*Building, principal:* A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed or intended for the shelter or enclosure of the principal use of the parcel.

*Building, temporary:* A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site.

*Building envelope:* See *Buildable area*.

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*Building height:* The vertical distance measured from the established grade to:

- A. The highest point of the coping of a flat roof;
- B. To the deck line of a mansard roof;
- C. To the average height between the eaves and the ridge for a gable, hip studio, or gambrel roof; or
- D. Seventy-five percent of the height of an A-frame.

Where a building is located on sloping terrain, the height shall be measured from the average ground level of the building wall (see illustration).

*Building line:* A line parallel to the front lot line at the minimum required front setback line (see illustration).

*Building official:* The officer or other authority designated by the township board to administer and enforce the building code and to supervise and coordinate the functions of the building department.

*Bulk:* The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the heights and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

*Campground:* A place where sites are made available for temporary lodging in a tent, travel trailer, truck camper, motor home, folding tent trailer, or other similar recreational vehicle. Accessory facilities commonly associated with campgrounds include swimming pools, athletic courts and fields, beaches, picnic pavilions, boat launches and docks, club houses, and game rooms.

*Car or vehicle wash establishment:* A commercial establishment contained within a building where vehicles are washed.

*Caretaker living quarters:* An independent residential dwelling unit designed for and occupied by no more than two persons, where at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

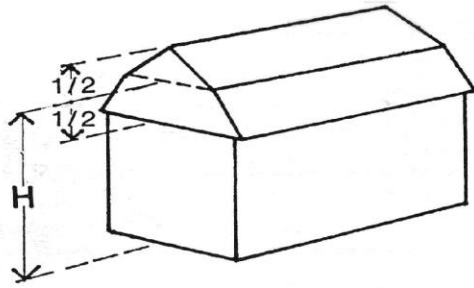
*Cemetery:* Land used for the burial of the dead, including columbariums, crematories and mausoleums.

*Child care center:* 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, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility may also be described as a day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

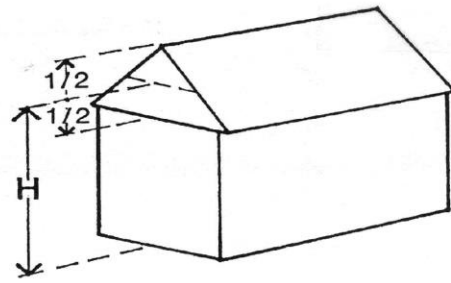
*Church or synagogue:* Any structure wherein persons regularly assemble for religious activity.

*Clinic, medical:* An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

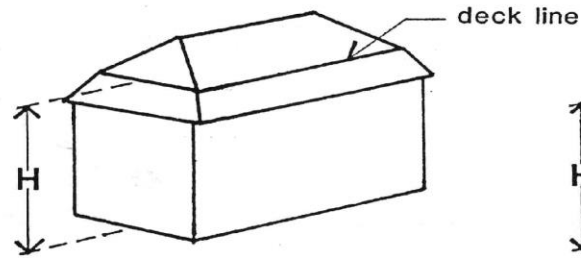
## **BUILDING HEIGHT REQUIREMENTS**



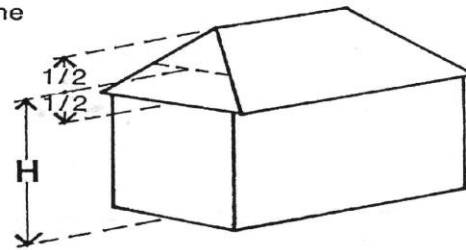
gambrel roof



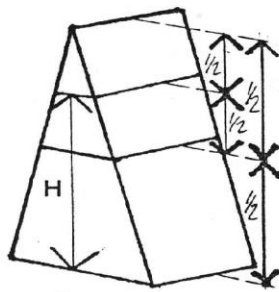
gable roof



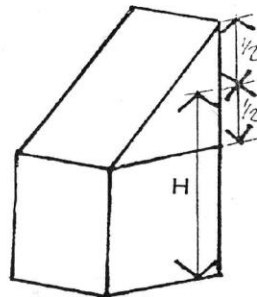
mansard roof



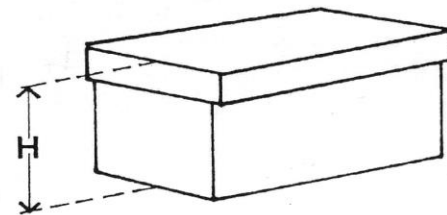
hip roof



'A' frame

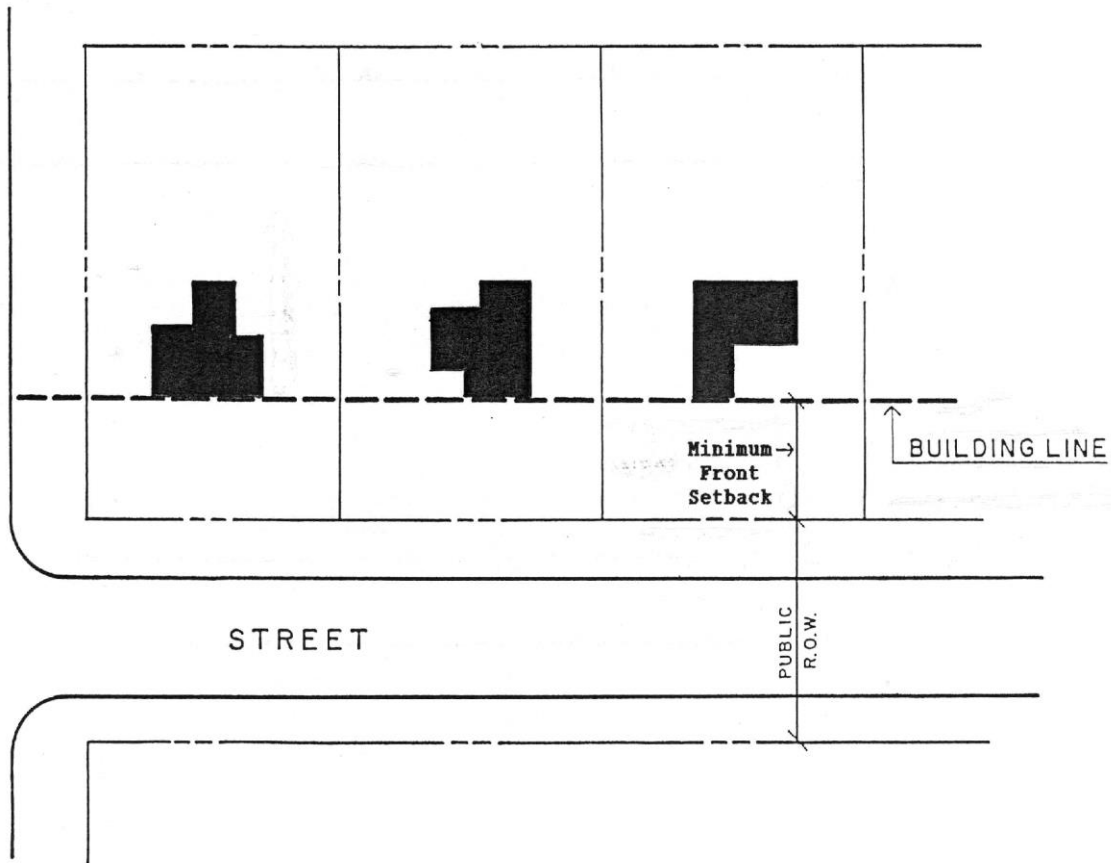


studio roof



flat roof





**BUILDING LINE**

*Clinic, veterinary:* An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services and offices.

*Club or fraternal organization:* An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a club in this Ordinance.

*Colocation:* The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the intent to reduce the total number of structures required to support wireless communication antennas in the township.

*Commercial use:* The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Ordinance commercial use shall not include industrial, manufacturing, or wholesale businesses.

*Commission:* The Planning Commission of the Charter Township of Lyon.

*Condominium:* A condominium is a system of separate ownership of individual units in multi-unit projects. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

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- A. *Condominium Act*. Shall mean Public Act 59 of 1978, as amended.
  - B. *Condominium lot*. That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in article 36, Schedule of Regulations.
  - C. *Condominium unit*. That portion of the condominium 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.
  - D. *Common elements*. Portions of the condominium project other than the condominium units.
  - E. *General common element*. Common elements other than the limited common elements, intended for the common use of all co-owners.
  - F. *Limited common elements*. Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
  - G. *Master deed*. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
  - H. *Site condominium project*. A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

*Congregate housing*: See *Housing for the elderly*.

*Conservation easement*: A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.

*Construction*: The physical activity involved in constructing buildings, structures and permanent improvements upon the land, including but not limited to, earth-moving, grading, maneuvering equipment and machines, clearing, paving and the like.

*Contractor's yard*: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

*Convalescent home*: See *Nursing home*.

*Convenience store*: A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). Convenience stores are designed to attract a large volume of stop-and-go traffic.

*Co-op (cooperative) housing*: A multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

*Curb cut*: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

*Deck*: A platform, commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities.

*Density*: The number of dwelling units per acre of land.

- A. *Gross density*. The number of units per acre of total land being developed.
- B. *Net density*. The number of units per acre of land devoted to residential use.

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*Detention basin:* A manmade or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or manmade outlets.

*Development:* The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

*Distribution center:* A use which typically involves both warehouse and office/administration functions, where short- and/or long-term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

*District, zoning:* A portion of the Township of Lyon within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

*Drive-in:* A business establishment so designed that its operation involves providing service to patrons while they are in their car, rather than within a building or structure.

*Drive-in theater:* An open-air theater constructed and operated at an established location, without cover or roof, displaying motion pictures for the general public who view the screen or stage while seated in a vehicle. The term drive-in theater as used herein, shall include the entire premises upon which such theater is constructed and operated, including parking areas and all other facilities accessory to such business.

*Dwelling:* Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family. In no case shall a travel trailer, motorhome, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

*Dwelling, accessory apartment:* A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption; or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

*Dwelling, manufactured:* A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

A mobile home is a type of manufactured housing, which is defined as follows:

- D. *Dwelling, mobile home.* A structure, transportable in one or more sections, which is built upon 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. Recreational vehicles as described and regulated herein shall not be considered mobile homes for the purposes of this Ordinance.

*Dwelling, multiple family:* A building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple family

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dwelling units include those commonly known as apartments, efficiency units, and townhouse units, which are defined as follows:

- A. *Apartment:* An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units, which are typically accessed off a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings may have a central heating system or other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- B. *Efficiency unit:* An efficiency unit is a type of multiple family or apartment unit consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.
- C. *Townhouse:* Townhouse units typically are designed as part of a series of three or more attached units, each with its own front door, basement, utility connections, and front and rear yards.

*Dwelling, one-family or single-family:* An independent, detached residential dwelling designed for and used or held ready for use by one family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

*Dwelling, two-family or duplex:* A detached building designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Also known as a duplex dwelling.

*Dwelling unit:* One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

*Dwelling unit, single-family attached or townhouse:* A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.

*Earth-sheltered home:* A complete building partially below grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

*Easement:* A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

*Enforcement official:* The enforcement official is the person or persons designated by the township as being responsible for enforcing and administering requirements of this Zoning Ordinance. Throughout this Ordinance the enforcement official may be referred to as the building official, planning official, public safety official, engineering official, or their agents. Such titles do not necessarily refer to a specific individual, but generally the office or department most commonly associated with the administration of the regulation being referenced.

*Engineer, township:* The township engineer is the person or firm designated by the township board to advise the township administration, township board, and planning commission on drainage, grading, paving, stormwater management and control, utilities, and other related site engineering and civil engineering issues. The township engineer may be a consultant or an employee of the township.

*Erected:* Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of erection.

*Essential services.* The term "essential services" shall mean the erection, construction, alteration, or maintenance by public or quasi-public utilities or municipal departments of underground, surface, or overhead electrical, gas, steam, fuel or water systems, for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment which are necessary for the

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furnishing of adequate service to township residents by such utilities or municipal departments for the general health, safety and welfare of the public; but not including storage yards, sales or business offices, commercial buildings or activities, school bus yards, and wireless communication facilities; and further not including (i) buildings that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare; (ii) utility poles and other structures more than 40 feet in height above ground level in a public right-of-way; and (iii) wireless equipment extending more than five feet above the top of a utility pole or structure it is attached to in a public right-of-way.

*Excavation:* The removal or movement of soil, sand stone, gravel, or fill dirt except for common household gardening, farming, and general ground care.

*Exception:* An exclusion from the normal zoning ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A variance is not required for uses or structures which are permitted because of an exception.

*Family:* Family means either of the following:

- A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the zoning administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

*Family day care home:* A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, attended by other than a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during the calendar year.

*Farm:* The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products. For the purposes of this Ordinance, farms shall not include establishments, for keeping or raising fur-bearing animals, private stables, commercial dog kennels, piggeries, greenhouses, or stockyards, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land.

A farm which is operated as a business for purposes of agricultural production is distinguished from a collection of farm buildings and animals that is operated for education, demonstration, or recreational purposes. Such quasi-farm operations may be known as "petting zoos" or "model farms" or "interpretative farms."

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A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs and/or sales, contractor's yards, stump removal and/or processing, snow removal businesses, lawn maintenance businesses, or any other activities other than those incidental to the bona fide farm.

*Farm building:* Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations carried on that type of farm. A farm building may also be used to house animals and animal feed on a hobby farm.

*Farm, commercial:* The land, plants, animals, buildings, structures (including ponds used for agricultural or aqua cultural activities), machinery, equipment, and other appurtenances used in the commercial production of farms products (PA 93 of 1981, as amended).

*Farm market:* A place or an area where transactions between a farm market operator and customers takes place. This includes u-pick operations and roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over a five-year timeframe) must be produced on and by the affiliated farm or a farm under the same ownership or control (e.g., leased) as the farm market. A farm market does not have to be located on the same property where the production occurs. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. The farm market may operate seasonally or year-round, and may include marketing activities to attract customers and facilitate retail trade business transactions.

*Farm product:* Those plants and animals useful to human beings produced by agriculture including, but not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae (the deer family), livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture (PA 93 of 1981, as amended).

*Farmers market:* A farmers market, as distinguished from a farm market, is a location established in accordance with township ordinances and operated in compliance with Public Act 92 of 2000, where farmers may transport and sell to the public fruits, vegetables and other agricultural products. Farmers market vendors may operate intermittently but for state licensing purposes are considered permanent operations. Vendors selling crafts are commonly found at farmers markets.

*Feedlot:* Any parcel of land or premises on which the concentrated feeding of farm animals within a confined area occurs.

*Fence:* An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

*Fifty percent of the products marketed:* For the purposes of determining the percentage of products being marketed, the primary measure will be 50 percent of the retail floor space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of floor space during the marketing season is not feasible, then 50 percent of the gross sales dollars of the farm market will be used.

*Fill, filling:* The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

*Floodplain:* Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

- A. That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year base flood.
- B. Principal estuary courses of wetland areas that are part of the river flow system.

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- C. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

*Floodway:* The channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevations more than one foot.

*Floor area, gross:* The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

*Floor area, net:* See *Floor area, usable residential* and *Floor area, usable nonresidential*.

*Floor area, usable nonresidential:* The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of usable nonresidential floor area (see illustration).

*Floor area, usable residential:* The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

*Foster care home:* See *State licensed residential facility*.

*Foster child:* A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

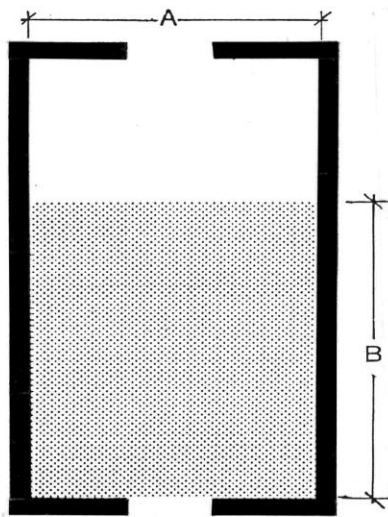
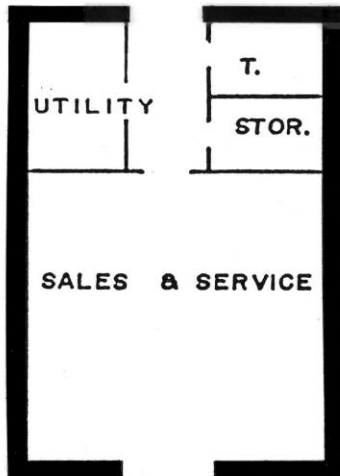
*Fraternal organization:* See *Club*.

*Garage, private:* An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

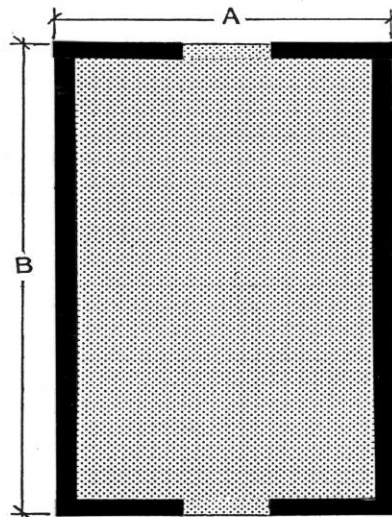
*Gas or filling station:* A place for retail sale and dispensing of fuel directly into motor vehicles or approved containers. Gas or filling stations may also incorporate a convenience store operation.

*Golf course or country club:* The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

*Grade:* The term grade shall mean the ground elevation established for the purpose of regulating the number of stories or height of a 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 averaging the elevation of the ground for each face of the building.



USABLE FLOOR AREA  
(A x B)



GROSS FLOOR AREA  
(A x B)

**FLOOR AREA OF COMMERCIAL, OFFICE AND SIMILAR NONRESIDENTIAL USES**

*Greenbelt:* See *Landscaping*.

*Group day care home:* 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. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

*Group home:* See *State licensed residential facility*.

*Gym or gymnasium:* A room or building equipped for gymnastics, exercise or sport.

*Hard cider producer:* An establishment that manufactures an alcoholic beverage from the fermented juice of apples.

*Hazardous uses:* All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or

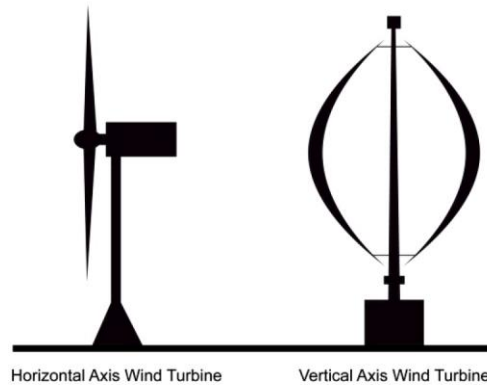


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explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in Section 306 of the Basic Building Code/1987, as amended, edition prepared by the Building Officials Conference of America, Incorporated.

*Height of building:* See *Building height*.

*Height, wind turbine:* The vertical distance from grade level adjacent to the base of the structure to the center of the hub for a horizontal axis wind turbine or the highest point of a vertical-axis wind turbine.



*Highway:* See *Street*.

*Hobby farm animal:* Animals often found on a farm and kept as an accessory to a single-family residential use. Hobby farm animals may include, but are not limited to, chickens, ducks, geese, pigeons, peacocks, rabbits, sheep, goats, cattle, swine, goats and llamas. Hobby farm animals do not include roosters, dogs, cats, deer or other wild animals.

*Hobby farming:* The plants, animals, buildings and structures used for noncommercial production of farm products. A hobby farm is accessory to a single-family dwelling. It does not include a garden plot.

*Holidays:* Shall be defined as the following days: New Year's Day (January 1); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November); Christmas Eve Day (December 24) and Christmas Day (December 25).

*Home occupation:* An occupation or profession conducted entirely within a dwelling by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence, and where such use does not:

- A. Change the character or appearance of the residence;
- B. Does not result in any signs or displays on the premises;
- C. Does not result in any sales of commodities or goods on the premises; and
- D. Does not require equipment other than what would commonly be found on a residential premises.

*Hospital:* An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

*Hospital, veterinary:* See *Clinic, veterinary*.

*Hotel:* A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically

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provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen, and meeting rooms.

*Ice cream parlor:* A retail establishment whose business is limited to the sale of ice cream, frozen deserts, dessert items, candies and confections, and beverages in a ready-to-eat state. Businesses serving hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items are not considered ice cream parlors for the purposes of this Ordinance.

*Impervious surface:* A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

*Indoor recreation center:* An establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of this Ordinance, a bowling establishment shall be considered a type of indoor recreation center.

*Industry, heavy:* A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

*Industry, light:* A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

*Ingress and egress:* As used in this Ordinance ingress and egress generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building or another location.

*Junk:* Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

*Junkyard or salvage yard:* An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

*Kennel:* Any lot or premises on which three or more dogs, cats, or other domestic animals six months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or pets, subject to the regulations set forth herein regulating private and commercial kennels.

*Lake:* Any body of water, natural or artificial, defined as inland lake or stream in the Inland Lake and Stream Act of 1972, P.A. 1972, No. 346, as amended.

*Landfill:* A tract of land that is used to collect and dispose of solid waste as defined and regulated in Michigan Public Act 641 of 1979, as amended.

*Landscaping:* The treatment of the ground surface with live plant materials such as, but not limited to, grass, groundcover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative manmade materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- A. *Berms.* A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies that complies with the requirements of this Ordinance.

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- B. *Grass*. Any of a family of plants with narrow leaves normally grown as permanent lawns in Oakland County, Michigan.
  - C. *Greenbelt*. A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and groundcover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.
  - D. *Groundcover*. Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
  - E. *Hedge*. A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary or fence.
  - F. *Hydro-seeding*. A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
  - G. *Interior parking lot landscaping*. A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
  - H. *Mulch*. A layer of wood chips, dry leaves, straw, peat moss, bark, or similar organic material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and prevent the freezing of roots.
  - I. *Nurse grass*. Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish groundcover to prevent dust or soil erosion.
  - J. *Screen or screening*. A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
  - K. *Shrub*. A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
  - L. *Tree*. A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Oakland County, Michigan.
    - 1. *Deciduous tree*. A variety of tree that has foliage that is shed at the end of the growing season.
    - 2. *Evergreen tree*. A variety of tree that has foliage that persists and remains green throughout the year.
  - M. *Ornamental tree*. A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.
  - N. *Shade tree*. For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 15 feet or greater in Oakland County, Michigan, and has a trunk with at least five feet of clear stem at maturity.
  - O. *Vine*. A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

*Landscaping contractor's operation*: A business engaged in the practice of improving building sites or other grounds by contouring the land and planting flowers, shrubs and trees. A landscaping contractor's operation typically consists of equipment, tools, vehicles and materials used in or associated with such a business.

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*Loading space, off-street:* An off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

*Lot (or zoning lot):* For the purposes of enforcing this Ordinance, a lot is defined as a piece of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required herein. Single ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, or portion thereof.
- D. A piece of land described by metes and bounds.

*Lot, contiguous:* Lots adjoining each other.

*Lot, corner:* A lot abutting on and at the intersection of two or more streets, provided that the streets intersect at an angle of not more than 135 degrees.

Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above (see illustration). A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.

For the purposes of this definition, the street lot line shall be the line separating the lot from the street or road right-of-way.

*Lot, double frontage (or through lot):* A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

*Lot, flag:* A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

*Lot, interior:* Any lot other than a corner lot with only one lot line fronting on a street.

*Lot area, gross:* The net lot area plus one-half of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

*Lot area, net:* The total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with minimum lot area standards.

*Lot coverage, nonresidential:* The part or percent of the lot that is occupied by buildings, structures, paved surfaces, or other impervious surfaces.

*Lot coverage, residential:* The part or percent of the lot that is occupied by buildings or structures.

*Lot depth:* The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

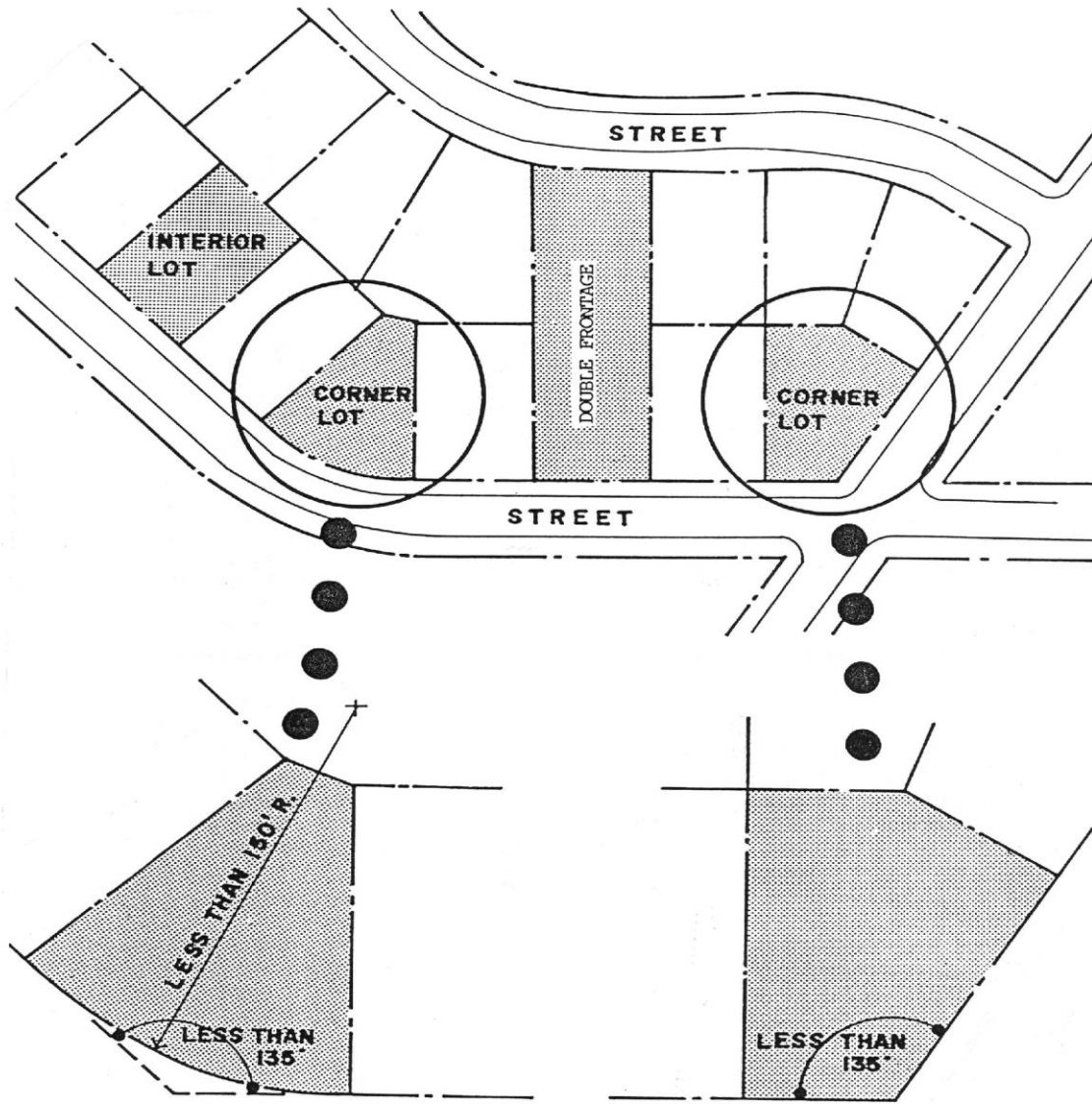
*Lot lines:* The lines bounding a lot as follows:

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- A. *Front lot line.* In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the front lot line shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the planning commission or building official. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained.
  - B. *Rear lot line.* Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet in length, lying farthest from the front lot line and wholly within the lot.
  - C. *Side lot line.* Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

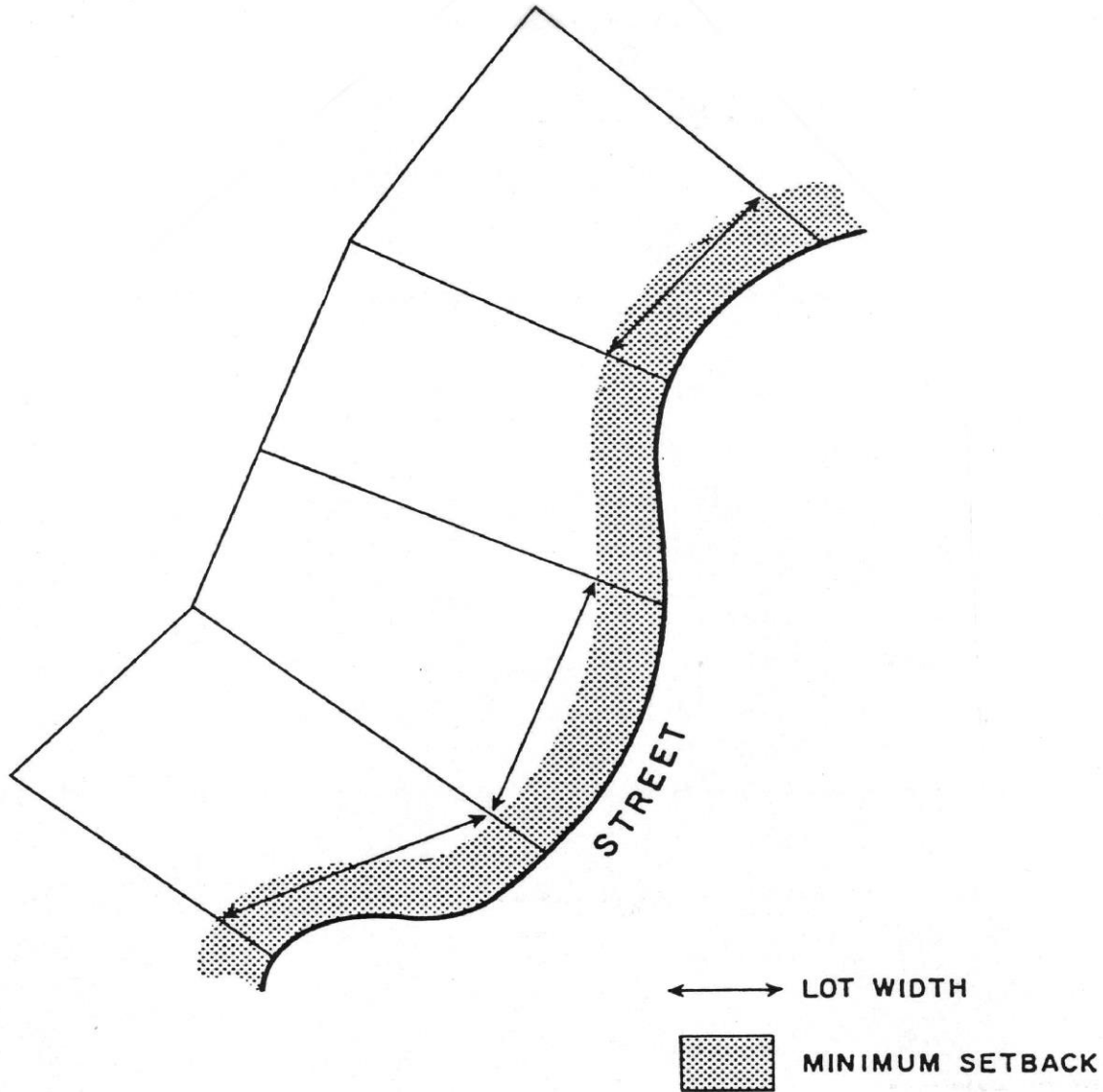
*Lot of record:* A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Oakland County Register of Deeds and Township Treasurer, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Oakland County Register of Deeds and Township Treasurer.

*Lot split and consolidation:* The dividing or uniting of lots by virtue of changes in the deeds in the office of the Oakland County Register of Deeds and/or the Township Treasurer.

*Lot width:* The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (see illustration).



**INTERIOR AND CORNER LOTS**



**LOT WIDTH AND SETBACKS**

*Main access drive:* Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

*Marginal access road:* See *Secondary access drive*.

*Marijuana:* That term as defined in section 7106 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106.

*Marijuana (marihuana) establishments:* Those establishments as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.

*Master plan:* The master plan is a document which is prepared under the guidance of the planning commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the township. It refers to the "Master Plan for Future Land Use" adopted by the planning commission on November 18, 1985, as amended.

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*Medical marijuana compassion club:* A facility that is typically operated with the intent of dispensing advice about the use of marijuana for medical purposes. Compassion Clubs vary in size, organizational structure, and the services they provide. Services may include, but are not necessarily limited to: provision of information about baked goods and other edibles containing marijuana, tinctures, oils, concentrates, capsules, smoking, and sprays.

*Medical marijuana cooperative:* An organization owned and/or operated by a group of individuals for its mutual benefit (such as the distribution, exchange, processing, delivery, or cultivation of marijuana).

*Medical marijuana dispensary:* Any site, facility, location, use, cooperative, or business where more than one registered primary caregiver intends to or does distribute, exchange, process, deliver or give away marijuana for medical purposes to qualifying patients.

*Medical marijuana grow facility:* Any site, facility, or location where more than one primary caregiver grows marijuana for medical purposes.

*Medical marijuana grower:* A commercial entity licensed under Michigan Public Act 281 of 2016 that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

*Medical marijuana processor:* A commercial entity licensed under Michigan Public Act 281 of 2016 that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana infused product for sale and transfer in packaged form to a provisioning center.

*Medical marijuana provisioning center:* A commercial entity licensed under Michigan Public Act 281 of 2016 that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. A provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver through the Michigan Department of Licensing and Regulatory Affairs marijuana registration process in accordance with the Michigan Medical Marijuana Act is not a provisioning center for purposes of this Ordinance.

*Medical marijuana safety compliance facility:* A commercial entity licensed under Michigan Public Act 281 of 2016 that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

*Medical marijuana secure transporter:* A commercial entity licensed under Michigan Public Act 281 of 2016 that stores marijuana and transports marijuana between marijuana facilities for a fee.

*Medical marijuana use:* The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with debilitating medical condition.

*Mezzanine:* An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the floor area of the story in which the level or levels are located.

*Microbrewery:* A brewery that manufactures in total less than 60,000 barrels of ale or beer per year, and that may sell the beer manufactured to consumers at the licensed brewery premises and to retailers as provided in MCL 436.1203, as allowed by state law. (A barrel is equivalent to 31 U.S. gallons.)

*Mini-warehouse:* A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

*Mobile home:* See *Dwelling, mobile home*.

*Mobile home lot:* An area within a mobile home park which is designated for the exclusive use of a specific mobile home.



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*Mobile home park:* 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

*Mortuary or funeral home:* An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

*Motel:* A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

*Natural features:* Natural features shall include soils, wetlands, floodplains, waterbodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

*Non-agriculturally related agricultural tourism uses:* Those activities that are part of an agricultural tourism operation's total offerings that are not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses may include amusement rides, concerts, etc.

*Nonconformity:* Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located (see also definitions in section 13.02).

*Nuisance:* Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

*Nursery, Day nursery, or Nursery school:* See *Child care center*.

*Nursery, plant material:* A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises.

*Nursing home, Convalescent home, or Rest home:* A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

*Occupancy, change of:* The term change of occupancy shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or the expansion of a use.

*Occupied:* Used in any way at the time in question.

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

*Oil or gas processing plant:* A facility designed for separating, metering, holding and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

*Open air business:* Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

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- A. Retail sales of garden supplies and equipment, including but not limited to: Trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
  - B. Roadside stands for the sale of agricultural products, including fruits, vegetables and Christmas trees.
  - C. Various outdoor recreation uses, including but not limited to: Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges and amusements parks.
  - D. Outdoor display and sale of garages, swimming pools, playground equipment, and similar uses.

*Open space:* That part of a zoning lot, including courts and/or yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

*Outdoor storage:* The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

*Outlot:* A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

*Parcel:* A continuous area, trace, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Act and has frontage on a public street.

*Park:* An area of land used for various recreational activities. A park may be publicly or privately owned or controlled.

*Parking lot, off-street:* An area on private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

*Parking space:* An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

*Perc test or Percolation test:* A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

*Performance guarantee:* A financial guarantee to ensure that all improvements facilities, or work required by this Ordinance will be completed in compliance with the ordinance, regulations, and approved plans and specifications of the development.

*Person:* An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

*Personal fitness center:* A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, personal fitness center shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

*Pervious surface:* A surface that permits full or partial absorption of stormwater.

*Pet:* A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

*Planned development:* A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

*Planner, township:* The township planner is the person or firm designated by the township board and planning commission to advise the township administration, township board, and planning commission on

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planning, zoning, land use, housing, and other related planning and development issues. The township planner may be a consultant or an employee of the township.

*Planning commission:* The Planning Commission of the Charter Township of Lyon.

*Primary caregiver:* A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana and who has not been convicted of any felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the Michigan Code of Criminal Procedure, 1927 PA 175, MCL 770.9a, and is licensed under the Michigan Medical Marijuana Act, MCL 333.26421 et seq., as it may be amended from time to time, or as the term may otherwise come to be defined therein.

*Principal use:* See *Use, principal*.

*Private:* Something that belongs to or is used by only a limited few, and is not publicly shared.

*Private home:* 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.

*Private street or road:* See *Road*.

*Property line:* The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also *Lot line*.

*Protected wetlands* shall mean all wetlands subject to regulation by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), or its successor department, including:

- A. Wetlands, regardless of size, which are partially or entirely within 500 feet of the ordinary highwater mark of any lake, stream, river or pond whether partially or entirely contained within the project site.
- B. Wetlands, regardless of size, which are partially or entirely within 500 feet of the ordinary high water mark of any lake, stream, river or pond unless it is determined by the EGLE that there is no surface water or groundwater connection between the wetland and the waterbody.
- C. Wetlands which are larger than five acres, whether partially or entirely contained within the project site, and which are not contiguous to any lake, stream, river or pond.
- D. Wetlands, regardless of size, which are not contiguous to any lake, stream, river or pond, if the EGLE determines the protection of the wetland is essential to the preservation of the natural resources of the state from pollution, impairment or destruction.

*Public:* Services and facilities that are made available to all and are supported with government revenues.

*Public right-of-way.* The surface of, air space above, and area below the entire width of any road, highway, street, alley, thoroughfare, easement, or other area that is dedicated, reserved, used, or open to use as a matter of right, for public travel, whether owned or controlled by, or under the jurisdiction of, the city or county, state, or federal government.

*Public safety official:* The public safety official refers to generally to the departments or persons who perform police, fire fighting, and other public safety functions for the township.

*Public utility:* Any persons, firm, corporation, municipal department, or board, duly authorized to furnish under federal, state, or local regulations a service which is of public consequence and need. The principal distinctive characteristics of a public utility are that: (1) because of the nature of its business, it has characteristics of a natural monopoly; and (2) it provides a service to an indefinite public (or portion of the public) which has a legal right to demand and receive its services. Services for the purposes of this Ordinance include gas, electricity, steam, water, sewage, transportation, telephone and cable television.

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*Qualifying patient:* A person who has been diagnosed by a physician as having a debilitating medical condition for the purposes of receiving medical marijuana, pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as it may be amended from time to time, or as the term may otherwise come to be defined therein.

*Racking:* The framework used to support solar energy panels.

*Real property:* Includes the surface, whatever is attached to the surface (such as buildings or trees), whatever is beneath the surface (such as minerals), and the area above the surface, i.e, the sky.

*Recreation:* Refreshment of mind, body or spirit through play, amusement, or relaxation.

*Recreation activities:* Recreation activities are actions that typically involve some level of physical action, including but not limited to, sports, family activities, festivals and fairs, exercise, picnicking, and bike riding. Examples of recreation activities include a BMX track, skateboarding, bicycle racing, animal rides, concerts, balloon rides, go-carts, and bicycle rental.

*Recreational facilities:* Equipment, apparatus, and furnishings that facilitate recreational activity.

*Recreational vehicle:* Recreational vehicles shall include the following:

- A. *Travel trailer.* A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water and electrical facilities.
- B. *Truck camper.* Portable temporary living quarters intended for travel, recreation, or vacation use, which are designed to be mounted on the bed or chassis of a truck. Types of truck campers include slide-on campers (also known as pick-up campers), which are designed to be loaded onto the bed of a pick-up truck, and chassis-mounted campers.
- C. *Motorhome.* A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motorhomes generally contain sanitary, water and electrical facilities.
- D. *Folding tent trailer.* Temporary portable tent-like living quarters intended for travel, recreation, or vacation use, which are mounted on wheels.
- E. *Boats and boat trailers.* Boats and boat trailers shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. *Other recreational equipment.* Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

*Recognizable and substantial benefit:* A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: Long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

*Recycling center:* A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

*Recycling collection station:* A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

*Registry identification card:* A document issued by the department that identifies a person as a Registered Qualifying Patient or Registered Primary Caregiver, pursuant to the Michigan Medical Marijuana Act, MCL 333.26421 et seq., as it may be amended from time to time, or as the term may otherwise come to be defined therein.

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

- A. *Restaurant, carry-out.* A carry-out restaurant is a restaurant whose method of operation involves sales of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. *Restaurant, drive-in.* A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. *Restaurant, drive-through.* A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- D. *Restaurant, fast-food.* A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- E. *Restaurant, standard.* A standard restaurant is a restaurant whose method of operation involves either:
  - 1. The delivery of prepared food by waitpersons to customers seated at tables within a completely enclosed building or in an approved outdoor seating area pursuant to subsection 19.02.X; or
  - 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building or in an approved outdoor seating area pursuant to subsection 19.02.X; or
  - 3. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
  - 4. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- F. *Bar/lounge.* A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

*Retention basin:* A pond, pool, or basin used for the permanent storage of water runoff.

*Riding arena:* An area enclosed within a building or fence which is intended to be used as a place to ride horses.

*Right-of-way:* The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

*Road:* Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. *Private road.* Any road which is to be privately maintained and has not been accepted for maintenance by the township, Oakland County, the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the township under any prior ordinance.

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- B. *Public road.* Any road or portion of a road which has been dedicated to and accepted for maintenance by the township, Oakland County, State of Michigan or the federal government.
  - C. *Arterial road.* A road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the township. An arterial road may also be a major thoroughfare.
  - D. *Collector road.* A road whose principal function is to carry traffic between minor, local, and subcollector roads and an arterial road but may also provide direct access to abutting properties.
  - E. *Cul-de-sac.* A road that terminates in a vehicular turnaround.
  - F. *Major thoroughfare.* An arterial road which is intended to service a large volume of traffic for both the immediate area and the region beyond, and may be designated as a thoroughfare, parkway, freeway, expressway or equivalent term to identify those roads comprising the basic structure of the roads plan. Any road with an existing or proposed right-of-way width of 120 feet, and any road proposed as a major thoroughfare in the master plan shall be considered a major thoroughfare.
  - G. *Local or minor road.* A road whose sole function is to provide access to abutting properties.
  - H. *Subcollector road.* A road whose principal function is to provide access to abutting properties but is designed to be used or is used to connect minor and local roads with collector or arterial roads.

*Roadside stand:* A farm market use operated for the purpose of seasonally selling agricultural products. A roadside stand may have one temporary building or structure measuring 200 square feet or less or, no buildings or structures.

*Roof-mounted energy system:* A type of small wind or solar energy conversion system that is mounted on a roof.

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

*Rooming house:* See *Boarding house.*

*Secondary access drive:* A road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are separated from the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

*Semi-trailer:* A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck-tractor or towing vehicle.

*Senior housing:* A building or group of buildings containing dwellings intended to be occupied by older persons, as defined by the Federal Fair Housing Act. Housing for seniors may include:

- A. *Independent living.* An unlicensed residential living setting for older persons that may or may not provide hospitality or supportive services. Under this living arrangement, the resident leads an independent lifestyle that requires minimal or no extra assistance.
- B. *Dependent living.* A licensed multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may not contain cooking facilities, but must contain sanitary facilities. A facility of this type may be licensed as an adult foster care home or a home for the aged.

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- C. *Assisted living.* A type of home for the aged, which is a special combination of dependent housing, personalized supportive services and health care designed to meet the needs of those who need help with activities of daily living. Services provided in assisted living residences usually include:
- Three meals a day served in a common dining area;
  - Housekeeping services;
  - Transportation;
  - Assistance with eating, bathing, dressing, toileting and walking;
  - Emergency call systems for each resident's unit;
  - Health promotion and exercise programs;
  - Medication management;
  - Personal laundry services;
  - Social and recreational activities.
- D. *Congregate housing.* Similar to independent living except that it usually provides convenience or supportive services like meals, housekeeping, and transportation in addition to rental housing. A facility of this type may be licensed as an adult foster care home facility or a home for the aged.
- E. *Continuing care.* Residential campuses that provide a continuum of care, from assisted living to skilled nursing care, all in one location.
- F. *Adult foster care (AFC) facilities.* Adult foster care homes are residential settings that provide 24-hour personal care, protection, and supervision for individuals who are developmentally disabled, mentally ill, physically handicapped or aged who cannot live alone but who do not need continuous nursing care. AFC homes are restricted to providing care to no more than 20 adults. Adult foster care homes are regulated under Michigan Public Act 218 of 1979, as amended.
- G. *Home for the aged (HFA).* A home for the aged provides 24-hour room, board, and supervised personal care to:
- Twenty-one or more unrelated, nontransient individuals 60 years of age or older.
  - Twenty or fewer individuals 60 years of age or older that is operated in conjunction with and as a distinct part of a licensed nursing home.
- Homes for the aged are regulated under Michigan Public Act 368 of 1978, as amended.
- H. *Senior apartment.* Age-restricted multi-unit independent housing facility for older adults who are able to care for themselves. Usually no additional services such as meals or transportation are provided.

*Service truck:* A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

*Setback:* The distance between a front, side or rear lot line or planned road right-of-way line (based on the Master Right-of-Way Plan for County Road, produced by the Road Commission for Oakland County) and the nearest supporting member of a building or structure on a lot. The minimum required setback is the minimum distance between a front, side or rear lot line or planned right-of-way line and the nearest supporting member of a building or structure in order to conform to the required yard setback provisions of this Ordinance (see definition of *Yard*).

*Shadow flicker:* An intermittent shadow created when rotating wind turbine blades pass between the viewer and the sun.

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*Shopping center:* A grouping of retail businesses and service uses on a single site with common parking facilities.

*Sign:* Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of sign includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined in section 16.04 of this Ordinance.

*Site plan:* A plan, prepared to scale, as required in article 5.00 (Site Plan Review), showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

*Small distiller:* An establishment that manufactures not more than 60,000 gallons of spirits annually.

*Small wind energy system:* A small wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to generate electricity and reduce on-site consumption of utility power.

*Small wine maker:* An establishment that manufactures or bottles not more than 50,000 gallons of wine in one calendar year. A small wine maker establishment may include a vineyard, orchard, or similar growing area. A small wine maker may include ancillary facilities, such as a tasting room.

*Solar energy system:* A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

*Solar storage battery:* A device that stores energy from the sun and makes it available in an electrical form.

*Special event:* An occurrence or noteworthy happening of seasonal, civic, commerce or church importance, which is organized and sponsored by an individual or business entity or a nonprofit community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment or which promotes economic development. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

*Special land use:* A special land use is a use, either public or private, which possesses unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts.

After due consideration of the impact of any such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land use may be permitted following review an approval, subject to the terms of this Ordinance.

*Spirits:* Any beverage that contains alcohol by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21 percent by volume, except for sacramental wine and mixed spirit drink.

*Stable, private:* A private stable is an enclosed building or pasture or combination thereof intended for the keeping of horses for noncommercial recreational farm use. A private stable does not include keeping of horses as part of a commercial farm.

*Stable, public:* A public stable is an enclosed building or pasture or combination thereof for the keeping of horses, in which the horses are kept for hire.

*State licensed residential facility:* Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979. These Acts provide for the following types of residential structures:



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- A. *Adult foster care facility.* A home or facility that provides foster care to adults. Subject to section 26a(1) of Public Act 218 of 1979, an adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following:
1. A nursing home licensed under part 217 of the public health code, 1978 PA 368, MCL 333.21701 to 333.21799e.
  2. A home for the aged licensed under part 213 of the public health code, 1978 PA 368, MCL 333.21301 to 333.21335.
  3. A hospital licensed under part 215 of the public health code, 1978 PA 368, MCL 333.21501 to 333.21571.
  4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of health and human services under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.
  5. A county infirmary operated by a county department of health and human services under section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
  6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
    - (i) Two, if the total number of residents is ten or fewer.
    - (ii) Three, if the total number of residents is not less than 11 and not more than 14.
    - (iii) Four, if the total number of residents is not less than 15 and not more than 20.
    - (iv) Five, if the total number of residents is 21 or more.
  7. A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.
  8. An establishment commonly described as an alcohol or a substance use disorder rehabilitation center, except if licensed as both a substance use disorder program and an adult foster care facility and approved as a co-occurring enhanced crisis residential program, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
  9. A facility created by 1885 PA 152, MCL 36.1 to 36.12.
  10. An area excluded from the definition of adult foster care facility under section 17(3) of the continuing care community disclosure act, 2014 PA 448, MCL 554.917.
  11. A private residence with the capacity to receive at least one but not more than four adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.
- B. *Adult foster care family home.* A private residence with the approved capacity to receive at least three but not more than six adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence. Under Public Act 116 of 1973, a foster family home does not require local zoning approval before being licensed by the department of social services.

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- C. *Adult foster care large group home.* An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
  - D. *Adult foster care small group home.* An adult foster care facility with the approved capacity to receive at least three but not more than 12 adults to be provided with foster care.
  - E. *Foster care.* 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.
  - F. *Foster family group home.* A private residence that houses more than four but less than seven minor children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a foster family group home requires local zoning approval before being licensed by the department of social services.

*Story:* That portion of a building, other than a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see illustration).

A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath, or if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

*Story, half:* The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven feet, six inches.

*Street:* See *Road*.

*Street lot line:* A dividing line between the street and a lot, also known as the right-of-way line.

*Structural addition:* Any alteration that changes the location of the exterior walls or area of a building.

*Structure:* Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

*Subdivision plat:* The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, as amended, and the Lyon Township Subdivision Ordinance, as amended.

*Swimming pool:* Shall mean any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

*Temporary use or building:* Shall mean a use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.

*Theater:* An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

*Thoroughfare:* See *Road*.

*Tower-mounted small wind energy system:* A small wind energy conversion system that is mounted on a freestanding or guyed tower attached to the ground, and not attached to any other permanent or temporary structure.

*Township:* The Charter Township of Lyon, Oakland County, Michigan.

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*Township board:* The Board of Trustees of the Charter Township of Lyon, Oakland County, Michigan.

*Toxic or hazardous waste:* Waste or a combination of waste and other discarded material (including, but not limited to, solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. An increase in mortality; or
- B. An increase in serious irreversible illness; or
- C. Serious incapacitating, but reversible illness; or
- D. Substantial present or potential hazard to human health or the environment.

*Transition zone:* A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

*Truck terminal:* A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

*Usable marijuana:* The dried leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

*Underlying zoning:* The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel planned development.

*Usable marijuana:* The dried leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

*Use:* The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

- A. *Use, accessory.* See *Accessory use, building, or structure.*
- B. *Use, conditional.* See *Conditional use.*
- C. *Use, permitted.* A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and standards of such district.
- D. *Use, principal.* The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.
- E. *Use, special land.* See *Special use.*

*Utility pole:* A pole or similar structure that is or may be used in whole or in part for cable, wireline, or wireless communications service, electric distribution, lighting, traffic control, signage, or a similar function.

*Utility trailer:* A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

*Value-added agricultural product:* The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, cooling, storage, canning, drying, freezing, or otherwise preparing the product for sale. These activities can be used to extend a farm market's marketing season beyond its production season.

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*Variance:* A modification of the literal provisions of this Zoning Ordinance granted by the zoning board of appeals when strict enforcement of this Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

*Vehicle:* Vehicle shall have the meaning ascribed to it in the Michigan Vehicle Code, Public Act 300 of 1949, as amended.

*Vehicle repair:* Minor or major repair of vehicles is defined as follows:

- A. *Minor vehicle repair:* Engine tune-ups; servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repair activities that do not require any significant disassembly or any storing of vehicles on the premises overnight.
- B. *Major vehicle repair:* Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service; steam cleaning; undercoating and rust-proofing; painting; welding; and similar services that normally require significant disassembly and possible storage of vehicles on the premises overnight.

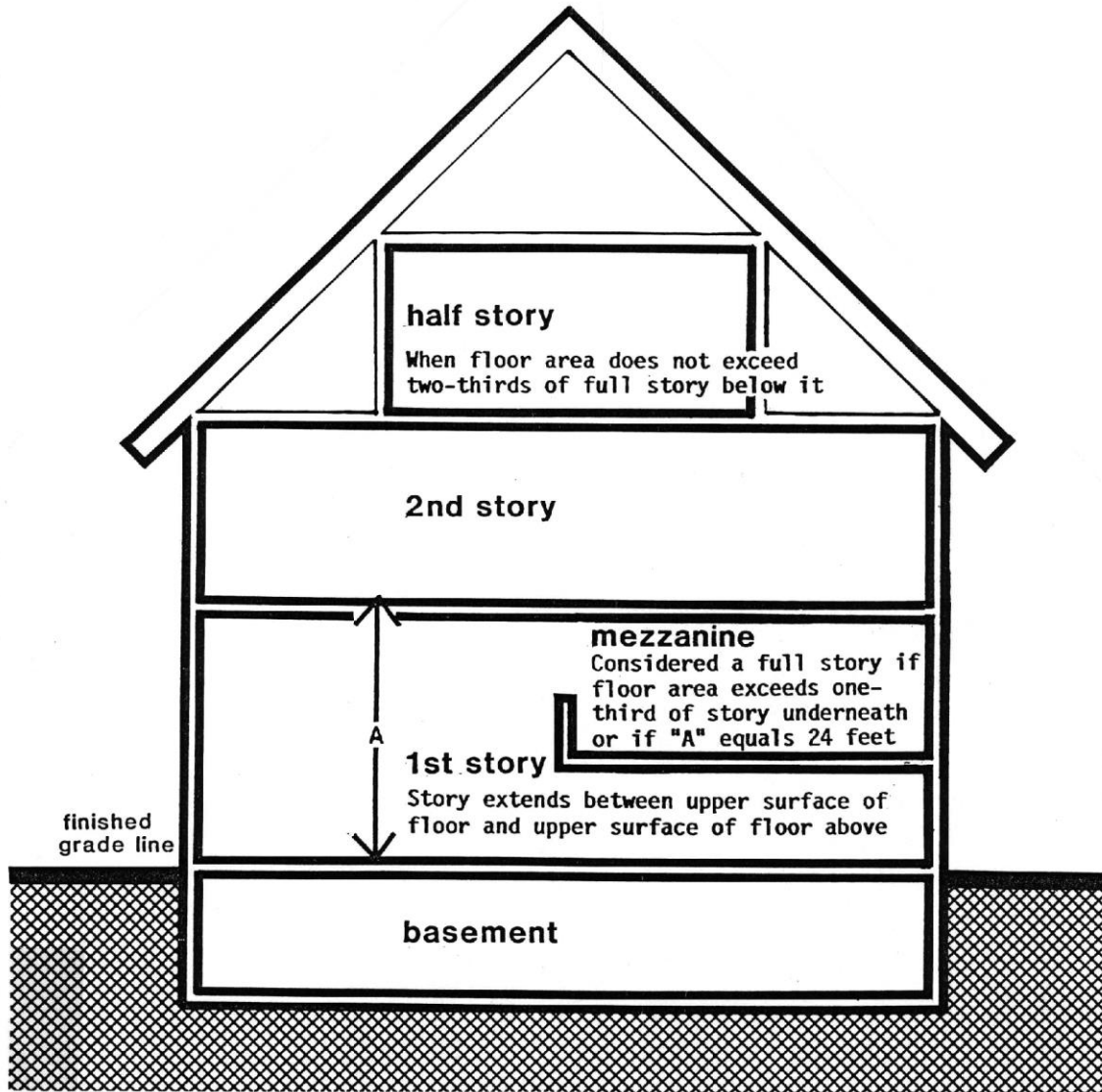
*Veterinary hospital:* See, *Clinic, veterinary.*

*Wall, obscuring:* Shall mean a structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

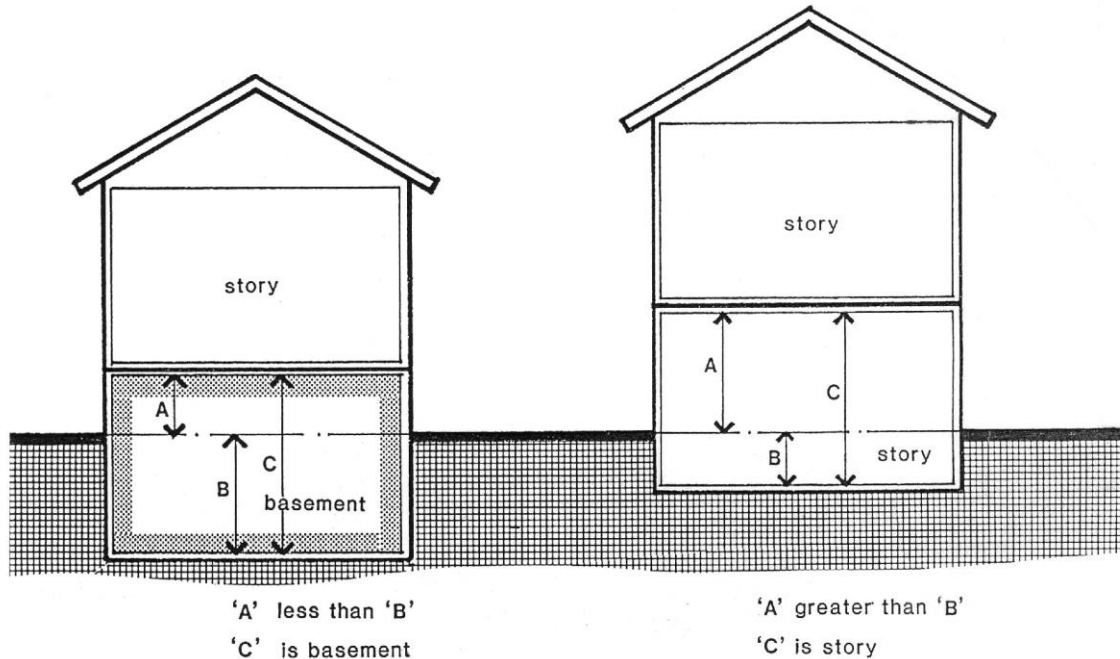
*Warehouse:* A building used primarily for storage of goods and materials. See also *Distribution center.*

*Watercourse* shall mean any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. A watercourse may or may not be serving as a drain as defined by Act 40 of the Public Acts of 1956, as amended. A watercourse does not include a retention or detention pond constructed as a landscape feature or for the purposes of stormwater management.

*Wetland* shall mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp or marsh.



**BASIC STRUCTURAL TERMS**



### BASEMENT AND STORY

**Wholesale sales:** The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

**Wireless communication facility:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are: Citizen band radio facilities; short-wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal laws or regulations which preempt municipal regulatory authority.

**Wireless communication support structures:** Structures erected or modified to support wireless communication antennas, including but not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

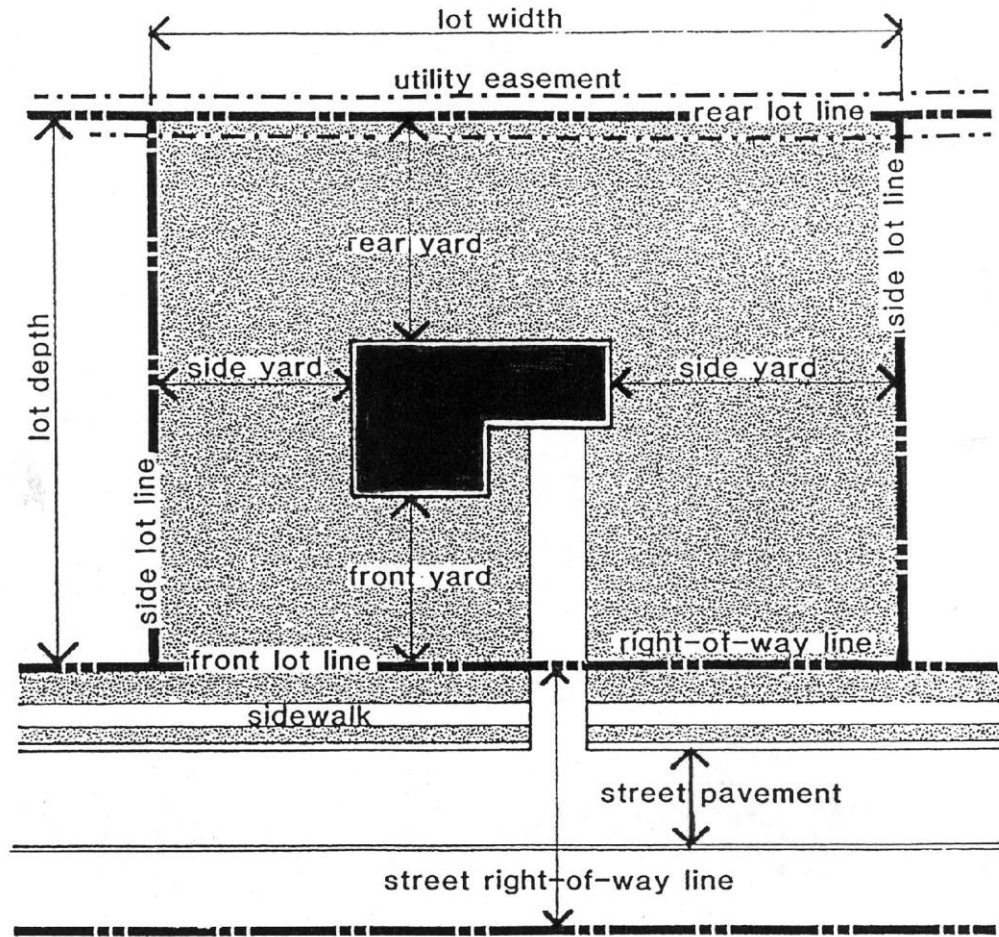
**Wireless equipment:** The equipment and components, including attached wireless communications facilities, cellular antennae, transmitters, receivers, equipment shelters or cabinets, regular and backup power supply including emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless services, but excluding wireless support structures.

**Yard:** An open space on the same lot with a building, unoccupied from the ground upward, except as otherwise permitted in this Ordinance. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this Ordinance (see illustrations).

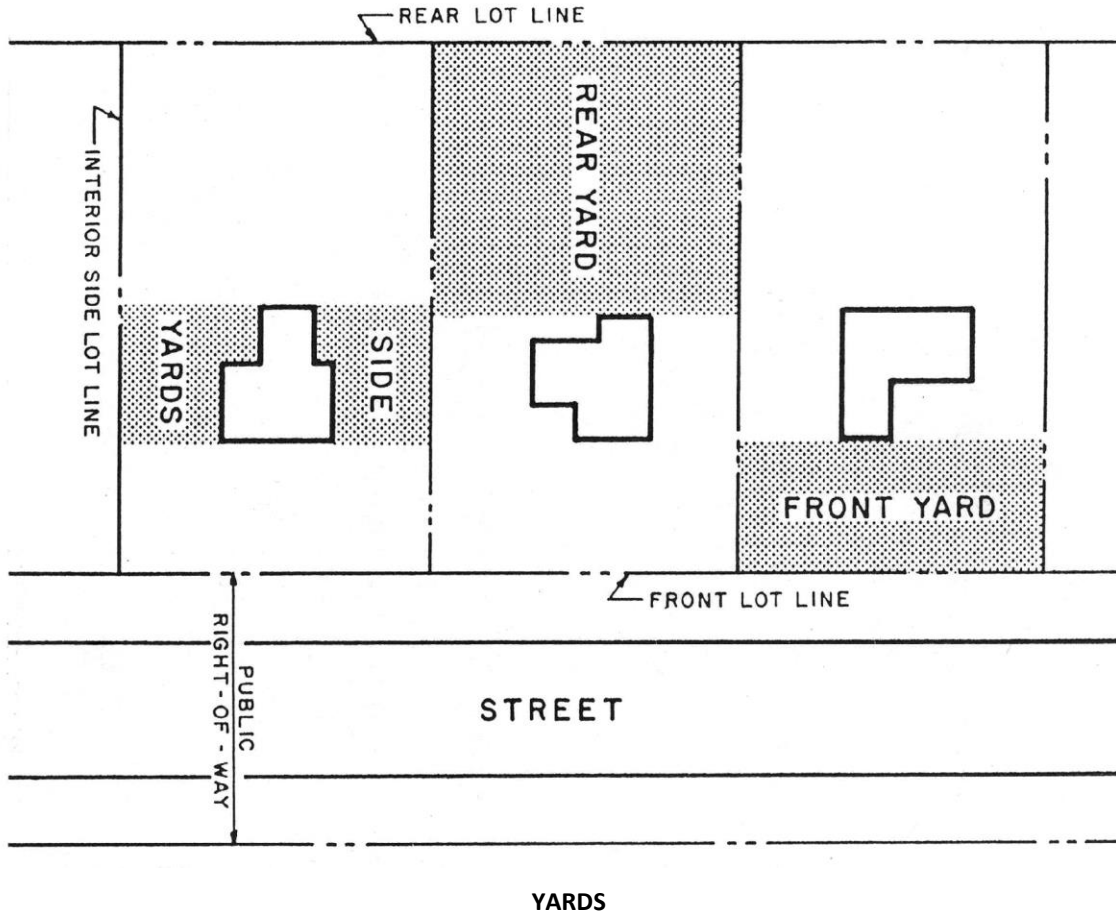
- A. **Yard, front.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or planned right-of-way line (where identified on the Master Right-of-Way Plan for County Road, produced by the Road Commission for Oakland County) and the nearest line of a building or structure. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage.

- B. *Yard, rear.* An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line on the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. *Yard, side.* An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building.

*Zoning administrator:* The zoning administrator is the person designated by the township board to administer this Zoning Ordinance on a day-to-day basis, including, but not limited to, processing applications, maintaining the minutes of the planning commission, sending notices of public hearings, and similar work.



**YARD TERMS**



(Ord. No. 122A-08, pt. II(Exh. A), 4-7-2008; Ord. No. 01-12, pt. 2, 2-6-2012; Ord. No. 09-12, pt. 2(exh. A), 11-5-2012; Ord. No. 03-13, pt. 2, 10-7-2013; Ord. No. 04-13, pt. 2, 11-4-2013; Ord. No. 05-13, pt. 2, 11-4-2013; Ord. No. 07-13, pt. 2, 11-4-2013; Ord. No. 10-14, pt. 2, 9-2-2014; Ord. No. 08-15, pt. 2, 6-1-2015; Ord. No. 15-15, pts. 2, 3, 10-5-2015; Ord. No. 03-16, pt. 2, 3-9-2016; Ord. No. 10-16, pt. 2, 11-9-2016; Ord. No. 07-17, § 1, 12-4-2017; Ord. No. 193-18, §§ 1, 2, 5-7-2018; Ord. No. 195-18, § 1, 6-4-2018; Ord. No. 200-18, § 1, 9-4-2018; Ord. No. 02-19, § 1, 3-4-2019; Ord. No. 12-20, § 1, 1-4-2021)

## **ARTICLE 4.00 APPLICATIONS AND PROCEDURES**

### **Section 4.01. Applicability.**

#### *A. In general.*

1. The general procedures for processing of all requests for township action or review under the provisions of this Ordinance are described in this article.
2. There are additional and more specific procedures and standards set forth in other parts of this Ordinance as follows:

<u>Procedure</u>	<u>Article or Section Number</u>
Site Plan Review	Article 5.00



Special Land Use	Article 6.00
Planned Development	Article 7.00
Variances and Appeals	Article 8.00
Amendments	Article 9.00
Permits and Certificates	Article 10.00
Temporary Uses	Section 12.06

**Section 4.02. Application filing.**

- A. *Forms.* Any person requesting any action or review under the provisions of this Ordinance shall file an application on the forms provided by the township. The information required on each form shall be typed or legibly written on the form or on separate sheets attached to the form.

**Section 4.03. General approval process.**

The general approval process for site plan review, special land use, planned development, and rezoning applications shall be as follows:

- A. *Optional pre-filing conference.* Applicants may request to meet with township staff, including any consultants designated by the township board, to preliminarily review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by township officials, staff, or consultants at such conferences shall constitute approval of any application.
- B. *Processing and review.*
  1. All applications shall be submitted to the planning department no later than 28 days before the scheduled meeting date. All applications accepted by the township shall be submitted to all appropriate staff and consultants for review and recommendation.
  2. The staff and consultants may advise and assist the applicant in meeting ordinance requirements but shall have no power to approve or disapprove any application or in any way restrict an applicant's right to seek formal approval thereof.
  3. Any application that requires township board approval after planning commission review and recommendation shall only be placed on the agenda for the first regular planning commission meeting of each month to provide sufficient time for further review prior to the township board meeting.
- C. *Planning commission action.* The planning commission shall review all applications at a public meeting. The planning commission shall consider all recommendations of the staff and consultants.
  1. *Decisions.* All applications that the planning commission has been charged with the authority to approve under the provisions of this Ordinance shall be approved, denied, or approved subject to conditions. The planning commission may table any such applications for further study or obtain additional information, but shall not unreasonably delay its final decision without the consent of the applicant. All decisions of the planning commission shall be in accordance with the purpose and intent of this Ordinance and all applicable standards and requirements set forth in this Ordinance.
  2. *Recommendations.* For those applications that the planning commission has been charged with the authority to review and make a recommendation to the township board, the planning

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commission may recommend approval, denial, or approval subject to conditions. The planning commission may table any such applications for further study or to obtain additional information, but shall not unreasonably delay its recommendation without the consent of the applicant. All recommendations shall be in accordance with the purpose and intent of this Ordinance and all applicable standards and requirements set forth in this Ordinance.

- D. *Township board action.* The township board shall review all applications at a public meeting. The board shall consider all recommendations of the staff, consultants and the planning commission. The board may approve, deny, or approve subject to conditions, all applications it reviews. The board may table any application for further study or to obtain additional information, but shall not unreasonably delay its final decision without the consent of the applicant. All decisions of the township board shall be in accordance with the purpose and intent of this Ordinance and all applicable standards and requirements set forth in this Ordinance.

(Ord. No. 196-18, § 1, 7-2-2018)

#### **Section 4.04. Filing fees.**

All applications shall be accompanied by a filing fee which shall be established by resolution of the township board, in accordance with Section 406 of Public Act 110 of 2006, as amended. This filing fee may include a deposit toward the costs of any consultants retained by the township for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reporter services, or similar services. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the ordinance shall suspend further review of the application and shall deny any new permits.

Any deposit toward the cost of any consultants shall be credited against the expense to the township of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.

A schedule of the current filing fees and deposit requirements shall be made available in the office of the township clerk and the building department.

The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in article 17.00.

There shall be no fee in the case of application filed in the public interest by a municipal department or township official.

#### **Section 4.05. Public hearing process.**

This section shall present the basic provisions which shall apply to the following applications that require a public hearing:

- Amendments (including rezonings);
- Variances;
- Special land uses;
- Planned development.

- A. *Public notice.* The following public notice procedure shall apply for any public hearing:

1. *Notice contents.* The notice shall contain the following information, where applicable:

- a. A description of the nature of the application and the purpose of the public hearing;
  - b. A statement indicating the applicable sections of this Zoning Ordinance;
  - c. A legal description and, when known, the address of the property;
  - d. A statement of when and where the public hearing will be held;
  - e. A statement of when and where written comments can be sent concerning the application.
2. *Newspaper publication and written notification.* The general requirements for newspaper publication and written notification shall be as indicated in the following chart:

Action Requested	Newspaper Publication Requirements	Written Notification Requirements
Adoption of a New Ordinance (A, H)	C	G
Ordinance Amendment (A, H)	C	G
Rezoning (A, H)	C (see also E)	E
Special Land Use (A)	C	D
Planned Development (A, H)	C	D
Variance (B)	C	F
Industrial Development Review	C	H

**FOOTNOTES:**

- A. The planning commission must hold at least one public hearing.
- B. The zoning board of appeal must hold a public hearing.
- C. Notices of public hearings must be published in a newspaper of general circulation within the township not less than 15 days prior to the date of the hearing.
- D. Notices must be mailed to owners and occupants of all properties and structures within 300 feet of the subject site, including those outside of the township (in adjacent cities, villages or townships) if applicable. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- E. If ten or fewer adjacent properties are involved, notice must be sent by mail to the owners and occupants of all property and structures within 300 feet of the subject site, including those outside of the township if applicable. If 11 or more adjacent properties are involved, no additional notification is necessary and addresses may be omitted from the notice published in the newspaper. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- F. Notification of a dimensional variance request must be sent by mail to the owners and occupants of all property and structures within 300 feet of the subject site, including outside of the township if applicable. Notification of an ordinance interpretation or decision appeal need not be sent by mail to surrounding property owners and occupants unless the interpretation or decision appeal involves a specific parcel, in which case notification must be sent by mail to the owners and occupants of all property within 300 feet of the subject site. Notices must be postmarked not less than 15 days prior to the date of the hearing.
- G. Notice must be mailed to each electric, gas and pipeline utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and each airport manager, that has registered its name and mailing address with the clerk to receive such notice. Notices must be postmarked not less than 15 days prior to the date of the hearing.

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- H. A property owner may request by certified mail, addressed to the clerk, that the township board hold a public hearing to hear comments on a proposed ordinance provision (adoption of a new ordinance, ordinance amendment, rezoning or planned development). Newspaper publication and written notification requirements shall be made as set forth in this section for the corresponding type of proposed ordinance provision. It shall be the responsibility of the property owner requesting the public hearing to pay for the costs incurred by the township for notification of the public hearing.

#### **Section 4.06. Disclosure of interest.**

The full name, address, telephone number, and signature of the applicant shall be provided on the application.

If the application involves real property in the township, the applicant must be the fee owner, or have identified legal interest in the property, or be an authorized agent of the fee owner. A change in ownership after the application is filed shall be disclosed prior to any public hearing or the final decision on the application.

- A. *Required disclosure when applicant is not fee owner.* If the applicant is not the fee owner, the application should indicate interest of the applicant in the property, and the name and telephone number of all fee owners. An affidavit of the fee owner shall be filed with the application stating that the applicant has authority from the owner to make the application.
- B. *Required disclosure when applicant is a corporation or partnership.* If the applicant or fee owner is a corporation, the names and addresses of the corporation officers and registered agent shall be provided, and if a partnership, the names and addresses of the partners shall be provided.
- C. *Required disclosure when applicant or owner is a land trust.* If the applicant or fee owner is a trust or a trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary must be provided.

#### **Section 4.07. Records.**

The township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

### ***ARTICLE 5.00 SITE PLAN REVIEW***

#### **Section 5.01. Intent.**

The site plan review requirements in this article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the township and the applicant to facilitate development in accordance with the township's land use objectives.

#### **Section 5.02. Site plan approval.**

- A. *Planning commission approval required.* Planning commission approval of a site plan is required prior to establishment, construction, expansion or alteration of any structure or use, as follows:
  - 1. Special uses and conditional rezoning proposals, subject to the provisions of this Ordinance.
  - 2. Multiple-family developments.

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3. Office, commercial and industrial developments.
  4. Construction, expansion or alteration of a manufactured housing park, as defined in section 3.02 (Definitions), shall be subject to preliminary plan approval in accordance with the procedures and standards of article 28.00 (Mobile Home Parks) and subsection 19.03.C (Mobile Home Park Requirements).
  5. Condominium site plans, but not including the condominium master deed, bylaws and Exhibit B, which are subject to administrative approval.
  6. Construction, expansion or alteration of a planned development, subject to the procedures and standards in article 7.00.
  7. Change of use involving an office, commercial or industrial land use. An example of a "change of use" in a commercial district would be, for example, a change from a restaurant to a brewery. Replacement of one restaurant with a similar new one would be considered a "re-occupancy", which would be subject to administrative approval.
  8. Parking lot construction involving the addition of 25 or more spaces.
  9. Essential services and public utilities and facilities, excluding lines and poles in rights-of-way and utility easements.
  10. Development of a non-single-family residential use in a single-family residential district.
  11. Any excavation, filling, soil removal, mining, landfill, or creation of a pond, except as specified in subsection B, following.
  12. Any development that proposes a new means of ingress or egress onto a public or private road, excluding driveways servicing single-family and two-family dwelling units.
  13. Uses not specifically listed in subsection B below.
- B. *Administrative site plan review.* Projects or uses eligible for administrative site plan review by the township's administrative team are listed in this subsection. The administrative team shall have the option to require planning commission review of a project otherwise listed in this subsection. To be eligible for administrative site plan review, the existing site improvements must be legally existing and in conformance with ordinance requirements.

At the discretion of the township, a sketch plan, rather than a complete site plan package, may be allowed for projects eligible for administrative approval involving a legally existing and conforming use and building, where all of the following conditions are met: 1) the proposed improvements will not result in expansion or substantially affect the character or intensity of the use; 2) the proposed improvements will not affect vehicular or pedestrian circulation; 3) the proposed improvements will not affect the demands on the public infrastructure or the demand for public services; and 4) the proposed improvements will not affect drainage pattern or cause environmental impacts.

1. Minor changes during construction due to unanticipated site constraints or requirements by an outside review authority.
2. Minor landscaping changes or species substitutions, which shall be subject to township planner approval.
3. Minor building modifications that do not alter the facade of a multiple-family or nonresidential building beyond normal repairs.
4. For a multiple-family or nonresidential use, construction of an accessory structure under 1,000 square feet in area, construction of an enclosure around a waste receptacle, or installation of a fence around a mechanical unit.

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5. Vacation of a road easement (final approval by the township board is required).
  6. Changes to a site required by the building official to comply with the building code.
  7. Sidewalk or bike path construction or relocation, or barrier-free access improvements.
  8. Parking lot construction involving the addition of less than 25 spaces.
  9. Construction of an addition to an existing building or expansion of an existing, conforming use, subject to the following conditions. Planning commission review shall be required if the development does not comply with any of the conditions:
    - a. No variances are required.
    - b. No change of use is proposed.
    - c. The proposed addition or expansion shall not increase the total area occupied by the use by more than 25 percent up to a maximum of 1,000 square feet, provided that no other expansion has occurred within the past three years.
  10. Re-occupancy of an existing building, subject to the following conditions. Planning commission review shall be required if the development does not comply with any of the conditions:
    - a. No variances are required.
    - b. The proposed use shall be conducted within a completely enclosed building.
    - c. The proposed use shall not require additional parking demands, access changes, or other substantial modifications or improvements to the site or building.
    - d. No change of use is proposed.
  11. Excavation, filling, soil removal, mining, or creation of ponds up to 2,500 square feet in area. Excavation, filling, and soil removal related to a residential, office, commercial or industrial development shall not require administrative review.
  12. Temporary construction buildings.
  13. Co-location on an existing wireless communication tower shall be subject to township planner approval.
  14. Development of a principal permitted agricultural use, or the construction, moving, relocation or structural alteration of permitted agricultural structures, including any customarily incidental accessory structures.
  15. Review and approval of condominium documents, including the master deed, bylaws, and condominium subdivision plan (Exhibit B), whether new or revised.
  16. Applications for special events, as defined in article 3.00. Special events shall be subject to the following conditions, at a minimum:
    - a. Adequate off-street parking shall be provided.
    - b. The exact duration of the special event must be specified, including set-up and take-down. Special events may not exceed two weeks in duration.
    - c. Electrical and utility connections shall be subject to building official approval.
    - d. Tents and other facilities shall be subject to fire marshal approval.
    - e. Tents and structures shall comply with the setback requirements for principal structures for the district in which the use is located.

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- f. Adequate lighting shall be provided to assure the safety of pedestrians and drivers in accordance with section 12.11.
  - g. The size and number of signs shall be subject to administrative review.
  - h. A performance bond may be required to assure proper clean up.
17. Temporary uses of land or structures, as defined in article 3.00. Temporary uses of land or structures shall be subject to the following conditions, at a minimum:
- a. Adequate off-street parking shall be provided.
  - b. The exact duration of the temporary use must be specified, including set-up and takedown. Temporary uses and structures may not exceed six months in duration.
  - c. Electrical and utility connections shall be subject to building official approval.
  - d. Tents and other facilities shall be subject to fire marshal approval.
  - e. Tents and structures shall comply with the setback requirements for principal structures for the district in which the use is located.
  - f. Adequate lighting shall be provided to assure the safety of pedestrians and drivers in accordance with section 12.11.
  - g. The temporary use shall comply with the sign requirements for the district in which it is located.
  - h. A performance bond may be required to assure proper clean up.
  - i. The following requirements shall apply to specific temporary uses:
    - (1) Sidewalk displays are permitted in commercial districts for a maximum of 60 days. The displays shall cover no more than 25 percent of the width of the sidewalk, provided that barrier-free access is maintained.
    - (2) Sale of bedding plants is permitted in commercial districts for a maximum of 90 days.
    - (3) Christmas tree sales are permitted in residential or commercial districts for a maximum of 45 days. Stumps, branches, leftover trees, and other debris shall be removed from the site within one week after Christmas.
    - (4) Pumpkin sales are permitted in residential or commercial districts for a maximum of 45 days. Leftover pumpkins and other debris shall be removed from the site within one week after Halloween.
    - (5) Roadside stands and farm markets shall comply with the requirements in subsection 19.02.BB.

(Ord. No. 14-14, pts. 2—4, 10-6-2014; Ord. No. 16-15, pt. 2, 10-5-2015)

### **Section 5.03. Site plan review applications and procedures.**

- A. *Optional pre-application conference.* In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application site plan conference with the township planner. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. The township planner's fee for any such pre-application conference shall be paid by the applicant if such charges are not covered by the township's monthly retainer.

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B. *Optional conceptual review by planning commission.*

1. An applicant may file a written request for conceptual review of a preliminary site plan by the planning commission, prior to submission of a site plan for formal review. A site plan submitted for conceptual review shall be drawn to scale, and shall show site development features in sufficient detail to permit the planning commission to evaluate the following:
  - Relationship of the site to nearby properties;
  - Density;
  - Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and
  - Conformance with township development policies and standards.
2. Conceptual review fees shall be paid according to the fee schedule established by the township board.
3. No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the planning commission shall be bound by any comments or suggestions made during the course of the conceptual review.

C. *Submission of site plan for final review.* In order to initiate formal review by the planning commission, the applicant is required to submit the following materials to the Lyon Township Hall:

1. One complete and signed copy of the application for site plan review;
2. The number of copies shall be determined by the planning department. Sheet size shall be at 24 inches by 36 inches;
3. Proof that the plan has been submitted for review to governmental agencies that have jurisdiction over any aspect of the project, including but not limited to, the county road commission, county drain commission, county health division, Michigan Department of Transportation, Michigan Department of Environmental Quality, and other agencies deemed appropriate by the planning commission or township board;
4. The required review fee.

Site plan materials must be submitted in complete form to the township at least 28 days prior to the planning commission or township board meeting at which the review is requested.

D. *Distribution of plans.* The site plans and application shall be distributed, as necessary, to the township planner, township engineer, township attorney and other township consultants and staff for review.

E. *Determination of compliance.* The township consultants and staff shall review the plans to determine compliance with township ordinances and regulations. The applicant may be required to complete revisions and submit the plans for further review prior to review of the plans by the planning commission or township board. All required revisions must be completed or the site plan may not be placed on the planning commission or township board agenda for review.

(Ord. No. 196-18, § 2, 7-2-2018)

### **Section 5.04. Review and action.**

A. *Public hearing.* Site plans involving uses that are subject to special land use approval require a public hearing. After payment of appropriate fees, the planning commission shall set the date of the public hearing, subject to the requirements in section 4.05.

B. *Planning commission final action and recommendation.*



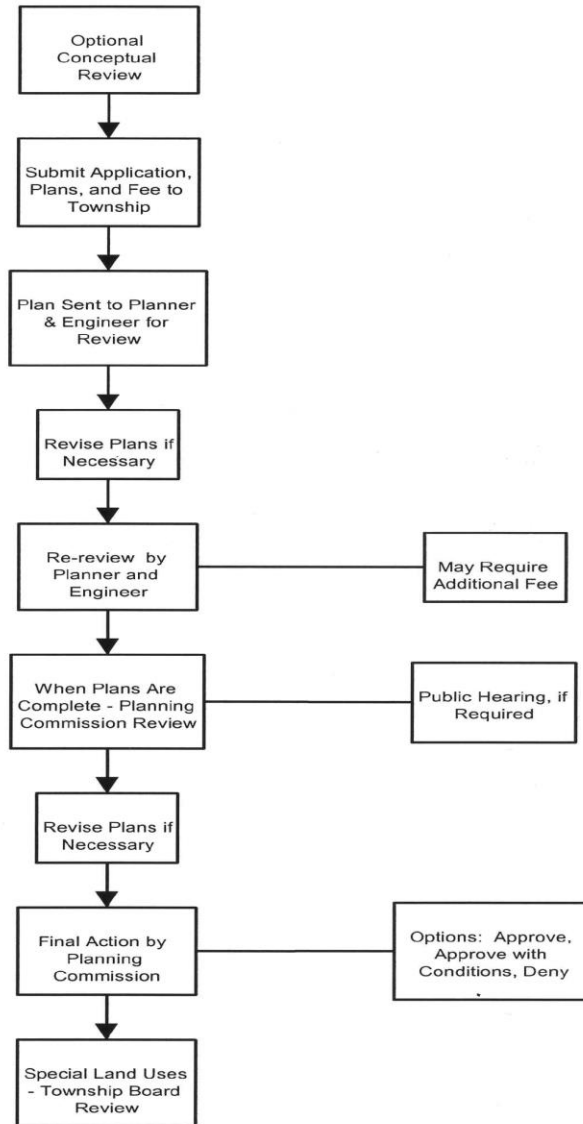
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The planning commission shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the building official and other reviewing agencies.

The planning commission is authorized to take the following action on the plan, subject to guidelines in the Zoning Ordinance: approval, approval with conditions, denial, or table the site plan, as follows:

1. *Approval.* Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
  2. *Approval subject to conditions.*
    - a. Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions.
    - b. The applicant may re-submit the site plan to the planning commission for final approval after conditions have been met. The planning commission may waive its right to review the revised plan, and instead authorize the township planner or building official to review and approve the site plan after all required conditions have been addressed.
  3. *Denial.* Upon determination that a site plan does not comply with the standards and regulations set forth in this article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied.
  4. *Tabling.* Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the planning commission may table consideration of a site plan until a future meeting.
- C. *Review of condominiums.* Condominiums shall require planning commission and township board review and approval. The planning commission's action shall be considered a recommendation and the decision of the township board shall become final. Condominium master deeds, bylaws, and condominium subdivision plans (Exhibit B), whether new or revised, shall require administrative site plan review and approval. Condominiums shall be subject to applicable requirements in this Zoning Ordinance, as well as the design standards in division 4 of the subdivision ordinance. All roads in a site condominium shall be dedicated to the public, and no private roads shall be permitted, except in the following circumstances:
1. To allow continuation of existing private roads within a planned development or site condominium, except where connection to a public road is feasible; or
  2. To allow extension of an existing private road where the private road is the only means of access to a parcel.
- D. *Recording of site plan review action.*
1. Each action taken with reference to a site plan review shall be duly recorded in the minutes of the planning commission as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.
  2. After the planning commission has taken final action on a site plan and all steps have been completed, three copies of the application and approved plans shall be stamped APPROVED and signed by the township planner. One marked copy will be returned to the applicant and the other two copies will be kept on file in the Township Hall.

#### **SITE PLAN REVIEW**



E. *Procedure after site plan approval.*

1. *Application for building permit.*

- a. Following final approval of the site plan and the engineering plans, and upon submittal of required performance guarantees, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable township, county, or state permits prior to issuance of a building permit.
- b. A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded master deed has been provided to the township. However, the building official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the master deed. No permit issued or work undertaken prior to recording of the master deed pursuant to this section shall grant any rights or any expectancy interest in the approval of the master deed.

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2. *Expiration of site plan approval.* If construction has not commenced within 12 months of final approval of the site plan, or if construction has not been completed within 12 months after it was commenced, the site plan approval becomes null and void and a new application for site plan review shall be required. The planning commission may grant an extension of up to 12 months, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current Zoning Ordinance standards.
  3. *Application for certificate of occupancy.* Following completion of site work and building construction, the applicant may apply for a certificate of occupancy or a temporary certificate of occupancy from the building official in accordance with the procedures set forth in article 10.00. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.
  4. *Property maintenance after approval.*
    - a. It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.
    - b. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.
  5. *Recorded condominium documents.* Upon approval of a new or amended condominium, the developer shall supply the township with four copies of the recorded master deed, bylaws, and condominium subdivision plan (Exhibit B).
- F. *Revocation.* Approval of a site plan may be revoked by the planning commission if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the planning commission for consideration and written notice shall be sent to the applicant at least ten days prior to the meeting. The building official, applicant, and any other interested persons shall be given the opportunity to present information to the planning commission and answer questions. If the planning commission finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan.
- G. *Modification to approved plan.* A site plan approved in accordance with the provisions in this section may be subsequently modified, subject to the following requirements:
1. *Review of minor modifications.* Minor modifications to an approved site plan may be reviewed by the township building official.
    - a. *Minor modification defined.* Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:

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- An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than 25 percent or 3,000 square feet, whichever is less.
  - Re-occupancy of a vacant building that has been unoccupied for less than 12 months.
  - Changes to building height that do not add an additional floor.
  - Additions or alterations to the landscape plan or landscape materials.
  - Relocation or screening of the trash receptacle.
  - Alterations to the internal parking layout of an off-street lot.

The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.

- Determination of minor modification.* The building official shall determine if the proposed modifications are minor in accordance with the guidelines in this section. In order to make the determination, the building official shall solicit comments and recommendations from the planner, engineer, and public safety officials, as deemed necessary.
- Modifications not deemed "minor".* If the modifications are not deemed minor by the building official, then full and approval review by the planning commission shall be required. Planning commission review shall be required for all site plans that involve a request for a variance, a special land use, a proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure. Township board review and approval shall be required for all modified site plans which originally required township board approval.
- Recording of action.* Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the building official. The planning commission shall be advised of all minor site plan modifications approved by the building official and such modifications shall be noted on the site plan and in the minutes of the planning commission.

(Ord. No. 14-14, pts. 5, 6, 10-6-2014)

### **Section 5.05. Required information on all site plans.**

The following information shall be included on all site plans, where applicable:

- Application form.* The application form shall contain the following information:
  1. Applicant's name and address.
  2. Name and address of property owner, if different from applicant.
  3. Common description of property and complete legal description including the tax identification number.
  4. Dimensions of land and total acreage.
  5. Existing zoning.
  6. Proposed use of land and name of proposed development, if applicable.
  7. Proposed buildings to be constructed, including square feet of gross floor area.
  8. Proof of property ownership.
  9. Employment opportunities created, if applicable.

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10. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
- B. *Descriptive and identification data.* Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one inch = 20 feet for property less than one acre; one inch = 30 feet for property larger than one acre but less than three acres; and one inch = 50 feet for property larger than three acres. Sheet size shall be at 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:
1. Applicant's name and address and telephone number.
  2. Title block indicating the name of the development.
  3. Scale.
  4. Northpoint.
  5. Dates of submission and revisions (month, day, year).
  6. Location map drawn to scale with northpoint.
  7. Legal and common description of property.
  8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
  9. A schedule for completing the project, including the phasing or timing of all proposed developments.
  10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
  11. Written description of proposed land use.
  12. Zoning classification of applicant's parcel and all abutting parcels.
  13. Proximity to driveways serving adjacent parcels.
  14. Proximity to section corner and major thoroughfares.
  15. Notation of any variances which have or must be secured.
  16. Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth acre.
- C. *Site data.*
1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
  2. Front, side, and rear setback dimensions.
  3. Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.
  4. Proposed site plan features, including buildings, roadway widths and names, and parking areas.
  5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
  6. Acceleration, deceleration, and passing lanes, where required.
  7. Proposed location of driveway entrances and on-site driveways.
  8. Typical cross-section of proposed roads and driveways.

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9. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
  10. Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.
  11. Location of sidewalks within the site and within the right-of-way.
  12. Exterior lighting locations and method of shielding lights from shining off the site.
  13. Trash receptacle locations and method of screening, if applicable.
  14. Transformer pad location and method of screening, if applicable.
  15. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
  16. Information needed to calculate required parking in accordance with Zoning Ordinance standards.
  17. The location of lawns and landscaped areas, including required landscaped greenbelts.
  18. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.
  19. Location, sizes, and types of existing trees five inches or greater in diameter, measured at one foot off the ground, before and after proposed development.
  20. Cross-section of proposed berms.
  21. Location and description of all easements for public right-of-way, utilities, access, shared access and drainage.
  22. Designation of fire lanes.
  23. Loading/unloading area.
  24. The location of any outdoor storage of materials and the manner by which it will be screened.
- D. *Building and structure details.*
1. Location, height, and outside dimensions of all proposed buildings or structures.
  2. Indication of the number of stores and number of commercial or office units contained in the building.
  3. Building floor plans.
  4. Total floor area.
  5. Location, size, height, and lighting of all proposed signs.
  6. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
  7. Building facade elevations, drawn to a scale of one inch equals four feet, or another scale approved by the building official and adequate to determine compliance with the requirements of this Ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights-of-way. Such screening shall be designed to be perceived as an integral part of the building design.

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E. *Information concerning utilities, drainage, and related issues.*

1. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric and telephone lines.
2. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
3. Indication of site grading and drainage patterns.
4. Types of soils and location of floodplains and wetlands, if applicable.
5. Soil erosion and sedimentation control measures.
6. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways and parking lots.
7. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
8. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.
9. Underground storage tanks locations.
10. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

F. *Information concerning residential development.*

1. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
2. Density calculations by type of residential unit (dwelling units per acre).
3. Lot coverage calculations.
4. Floor plans of typical buildings with square feet of floor area.
5. Garage and carport locations and details, if proposed.
6. Pedestrian circulation system.
7. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan should indicate whether proposed roads are intended to be private or dedicated to the public.
8. Community building location, dimensions, floor plans, and facade elevations, if applicable.
9. Swimming pool fencing detail, including height and type of fence, if applicable.
10. Location and size of recreation open areas.
11. Indication of type of recreation facilities proposed for recreation area.
12. At least two conceptual plans shall be prepared for planning commission review for proposed residential developments that are 20 acres or larger in size. One of the conceptual plans shall be prepared following the guidelines for rural open space zoning (see section 19.03, subsection F). The planning commission shall have the authority to select the conceptual plan that best meets the intent and requirements of this Ordinance and the township master plan.

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- G. *Information applicable to mobile home parks.*
1. Location and number of pads for mobile homes.
  2. Distance between mobile homes.
  3. Proposed placement of mobile home on each lot.
  4. Average and range of size of mobile home lots.
  5. Density calculations (dwelling units per acre).
  6. Lot coverage calculations.
  7. Garage and carport locations and details, if proposed.
  8. Pedestrian circulation system.
  9. Location and names of roads and internal drives.
  10. Community building location, dimensions, floor plans, and facade elevations, if applicable.
  11. Swimming pool fencing detail, including height and type of fence, if applicable.
  12. Location and size of recreation open areas.
  13. Indication of type of recreation facilities proposed for recreation area.
- H. *Additional information.*
1. *Information related to condominium development.* The following information shall be provided with all site plans including condominium development:
    - a. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.
    - b. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.
  2. *Items not applicable.* If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:
    - a. A list of each item considered not applicable.
    - b. The reason(s) why each listed item is not considered applicable.
  3. *Other data which may be required.* Other data may be required if deemed necessary by the township administrative officials, planning commission, or township board to determine compliance with the provisions in this Ordinance. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.
  4. *Industrial site plan requirements.* Site plan proposals for new or expanded industrial development shall comply with the site plan requirements in section 33.03, including the requirements in subsection K regarding an industrial activity statement.
- I. *Transportation impact studies.*
1. *Developments requiring a transportation impact study (TIS).* A TIS shall be required prior to approval of any of the following types of projects:



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- a. Fast-food restaurants, convenience and party stores, and businesses that have drive-up or drive-through service.
  - b. Residential projects containing 100 or more dwelling units in the total project.
  - c. Commercial, office, industrial, warehouse, institutional, entertainment, and mixed use development proposals involving 100,000 square feet or more in gross floor area.

On multi-phase projects, a TIS shall be required if the entire project exceeds the threshold levels cited above, even if one or more phases of the project do not meet the threshold levels.

The planning commission may require a TIS for a proposed development even though it does not meet the criteria listed above where there is evidence that the traffic that would be generated by the development would cause or aggravate unsafe traffic conditions. In making this determination, the planning commission may consider the design of proposed roads, driveways, and parking lots as well as conditions that exist on or around the site that may contribute to traffic safety concerns.

2. *Qualifications of person preparing the TIS.*

- a. The TIS shall be prepared by a traffic or transportation engineer or community planner selected by the township and who has a minimum of three years of experience preparing traffic impact studies. The resume and qualifications of the person who prepared the TIS shall be included in the study.
- b. The full cost of the TIS shall be paid for by the applicant. The township may require funds to be placed in escrow to cover such costs prior to initiation of the TIS.

3. *Contents of the TIS.* The TIS shall contain the following elements, at minimum:

- a. *Description of project.* A description of the project and site plan shall be provided, showing the location of buildings, driveways, parking, adjoining roads, nearby intersections, and driveways on adjacent parcels. The project description should identify the proposed use, the gross and net square footage, and the number of parking spaces proposed.
- b. *Existing conditions.*
  - (1) Maps and narrative shall be used to identify all roads within the impact area of the project, the number of lanes and right-of-way of each road, the most recent a.m. and p.m. peak hour traffic counts, and average daily traffic (ADT) counts on each road as are available from the Road Commission for Oakland County.
  - (2) The historical growth rate of traffic on adjacent roads shall be determined by examining traffic counts over the past three to five years. The growth rate shall be used to project background growth for the next five years or for the number of years to complete the proposed project, whichever is longer. Where information is available from the township planner, trips from proposed projects in the impact area shall be included in the background growth projections.
  - (3) Where existing traffic counts are more than three years old, new counts shall be taken. Traffic counts shall be taken during average or higher than average volume conditions, generally on a Tuesday, Wednesday or Thursday of a non-holiday week. For commercial development, additional Saturday counts shall also be taken.
  - (4) The description of existing conditions shall also include accident history within 500 feet of the site and for any intersection that is expected to experience a

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traffic volume increase of at least five percent per 24-hour period or during peak hour due to the proposed project.

c. *Projections.*

- (1) Maps and narrative shall be used to estimate the impact of the proposed project on traffic. Morning and evening peak hour and average daily traffic shall be forecast for the proposed development, based on the data and procedures outlined in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual. The preparer may use other commonly-accepted sources of data or supplement the ITE data with empirical data from similar projects in Michigan.
- (2) The directional distribution of the projected traffic shall be distributed onto the existing road network (inbound v. outbound, left turn v. right turn) to project turning movements at major site access points, intersections, and interchange ramps. The rationale for the directional distribution shall be provided.

4. *Analysis of Data.* The TIS shall contain the following analysis, at minimum:

- a. *Capacity analysis.* The impact of the projected traffic on the capacity of roads serving the proposed development shall be analyzed, using procedures outlined in the most recent edition of the Highway Capacity Manual, published by the Transportation Research Board. Pre- and post-construction capacity analysis shall also be performed at all street intersections and expressway ramps where the expected traffic will comprise five percent or more of the existing intersection capacity.
- b. *Gap analysis.* A "gap study" shall be completed to analyze the frequency and duration of gaps in the flow of through traffic.
- c. *Access analysis.* Maps and narrative shall be used to:
  - (1) Identify the location and design of proposed access driveways and new road intersections;
  - (2) Identify sight distance limitations;
  - (3) Determine the distance to adjacent driveways and intersections; and
  - (4) Provide sufficient evidence that the design and number of driveways proposed is the fewest necessary, that the driveways will provide safe and efficient movement of traffic, and that all driveways comply with the sight distance requirements of the Road Commission for Oakland County.

5. *Mitigation measures.* The TIS shall identify realistic public and private mitigation measures needed to accommodate the projected traffic including the following, at minimum:

- a. The TIS shall identify improvements to intersections and roads to accommodate future volumes and provided adequate capacity.
- b. Using Road Commission for Oakland County standards, the TIS shall identify taper lanes, turn lanes, and passing lanes necessary to provide safe and adequate ingress and egress to the site.
- c. The TIS shall identify opportunities to accommodate bicyclists and pedestrians.
- d. The TIS shall identify opportunities to coordinate development and access with adjoining sites so as to alleviate the impact of increased traffic on public roads.

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- J. *Sketch plan requirements for administrative approval.* The sketch plan for administrative approval shall contain the following information:
1. Name, address, telephone and fax numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the plan.
  2. The property location (address, lot number, tax identification number).
  3. Site plan shall be drawn to an engineer's scale.
  4. Size and dimensions of proposed structures, including gross and usable floor areas, number of stories, and overall height.
  5. Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.
  6. Existing site features, including natural and historical features, structures, driveways, fences, walls, signs, and other improvements.
  7. Location, dimensions, setback distances, and use(s) of all proposed improvements.
  8. Location and description of all existing and proposed easements and rights-of-way for utilities, access and drainage.
  9. Other information as requested by the reviewer to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the township's master plan.

(Ord. No. 14-14, pt. 7, 10-6-2014)

### **Section 5.06. Standards for site plan approval.**

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. *Adequacy of information.* The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. *Site design characteristics.* All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.
- C. *Appearance.* Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- D. *Compliance with district requirements.* The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations (article 36.00), unless otherwise provided in this Ordinance.
  1. *Site condominiums.*
    - a. In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit which shall be at least equivalent to the minimum yard area requirements.

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- b. In addition, site condominium projects shall comply with the applicable design standards which have been developed for similar types of development in the township, as described in article IV of the Charter Township of Lyon Subdivision Ordinance, the Township Engineering Design Specifications, the Private Road Ordinance, and other applicable ordinances and regulations, including requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

2. *Detached condominiums.*

- a. In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in article 17.00.
  - b. In addition, site condominium projects shall comply with the applicable design standards which have been developed for similar types of development in the township, as described in article IV of the Charter Township of Lyon Subdivision Ordinance, the Township Engineering Design Specifications, the Private Road Ordinance, and other applicable ordinances and regulations, including requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.
- E. *Preservation of natural areas.* The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal, alteration to the natural drainage course and the amount of cutting, filling, and grading.
  - F. *Privacy.* The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
  - G. *Emergency vehicle access.* All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
  - H. *Ingress and egress.* Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
  - I. *Pedestrian circulation.* The site plan shall provide a pedestrian circulations system which is insulated as completely as is reasonably possible from the vehicular circulation system.
  - J. *Vehicular and pedestrian circulation layout.* The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.
  - K. *Drainage.* Appropriate measures shall be taken to insure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance

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ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the township engineer.

- L. *Soil erosion and sedimentation.* The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current county and township standards.
- M. *Exterior lighting.* Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
- N. *Public services.* Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- O. *Screening.* Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.
- P. *Danger from hazards.*
  - 1. The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the township to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the township shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the township.
  - 2. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby waterbodies.
- Q. *Health and safety concerns.* Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.
- R. *Sequence of development.* All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- S. *Coordination with adjacent sites.* All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

(Ord. No. 12-20, § 2, 1-4-2021)

## **ARTICLE 6.00 SPECIAL LAND USES**

### **Section 6.01. Intent.**

The procedures and standards in this article are intended to provide a consistent and uniform method for review of proposed plans for special land uses. Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district (see Definitions, article 3.00). This article contains standards for review of each special land use proposal

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individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.

## **Section 6.02. Procedures and requirements.**

Special land use proposals shall be reviewed in accordance with the procedures in article 5.00 for site plan review, except as follows:

- A. *Public hearing required.* The township administration (supervisor or his/her designee) shall schedule a public hearing in accordance with section 4.05.
- B. *Planning commission final action.* The planning commission shall review the application for special land use, together with the public hearing findings and reports and recommendations from the building official, township planner, township public safety department, township engineer, and other reviewing agencies. The planning commission shall then make a recommendation to the township board, based on the requirements and standards of this Ordinance. The planning commission may recommend approval, approval with conditions, or denial as follows:
  1. *Approval.* Upon determination by the planning commission that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the planning commission shall recommend approval.
  2. *Approval with conditions.* The planning commission may recommend that the township board impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.
  3. *Denial.* Upon determination by the planning commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the township, the planning commission shall recommend denial.
- C. *Township board action required.* The planning commission shall transmit its recommendation, together with reports and public hearing findings to the township board for final action. The township board shall base its decision solely on the requirements and standards of this Ordinance. The township board is authorized to approve, approve with conditions, or deny a special land use proposal as follows:
  1. *Approval.* Upon determination that a special land use proposal is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
  2. *Approval with conditions.* The township board may impose reasonable conditions with the approval of a special land use. The conditions may include provisions necessary to insure that public services and facilities affected by a proposed special land use or activity will be capable of accommodating increased service and facility loads generated by the new development, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

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- a. Conditions shall be designed to protect natural resources, the health, safety, welfare, and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - b. Conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use of activity.
  - c. Conditions shall be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards.
3. *Denial.* Upon determination by the township board that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public health, safety, welfare, and/or orderly development of the township, a special land use proposal shall be denied.

(Ord. No. 03-12, pt. 2.A., 8-6-2012)

### **Section 6.03. Standards for granting special land use approval.**

Approval of a special land use proposal shall be based on the determination that the proposed use will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in article 5.00, applicable site development standards for specific uses set forth in article 19.00, and the following standards:

- A. *Compatibility with adjacent uses.* The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
  1. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  2. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  3. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
  4. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
  5. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.
- B. *Compatibility with the master plan.* The proposed special land use shall be consistent with the general principles and objectives of the township's master plan and shall promote the intent and purpose of this Ordinance.
- C. *Public services.* The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established.

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- D. *Impact of traffic.* The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
    - 1. Proximity and access to major thoroughfares.
    - 2. Estimated traffic generated by the proposed use.
    - 3. Proximity and relation to intersections.
    - 4. Adequacy of driver sight distances.
    - 5. Location of and access to off-street parking.
    - 6. Required vehicular turning movements.
    - 7. Provisions for pedestrian traffic.
  - E. *Detrimental effects.*
    - 1. The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to public health, safety and welfare.
    - 2. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.
  - F. *Isolation of existing uses.* The location of the proposed special land use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed special land use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.
  - G. *Based on need.* The planning commission and township board shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
  - H. *Economic well-being of the community.* The proposed special land use shall not be detrimental to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.
  - I. *Compatibility with natural environment.* The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

## **ARTICLE 7.00 PLANNED DEVELOPMENT**

### **Section 7.01. Intent.**

- (a) Planned development is intended to permit regulatory flexibility to achieve development that is in accord with the township's master plan; to achieve economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities; to encourage the creation of useful open space particularly suited to the proposed development and parcel on which it is located; to conserve natural features, natural resources, and energy; and to provide appropriate development to satisfy the demonstrated needs of residents of the township.
- (b) It is further intended that development permitted pursuant to this article be laid out so that proposed uses, buildings, and site improvements relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no adverse impact of one use on another.



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- (c) The development permitted under this article shall be considered as an optional means of development. The availability of this option imposes no obligation on the township to approve a proposed planned development.
  - (d) Planned development shall not be used for the sole purpose of avoiding the requirements for dimensional variances involving uses that would already be permitted in the underlying zoning district(s).

## **Section 7.02. Eligibility criteria.**

To be eligible for planned development approval, the applicant must demonstrate that the following criteria will be met:

- A. *Recognizable benefits.* The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality of development than could be achieved under conventional zoning.
- B. *Minimum size.*
  - 1. The minimum size of a planned development shall be 40 acres of contiguous land. However, the township board, upon recommendation from the planning commission, may permit a smaller planned development if: (a) the proposed project has unique characteristics and benefits; and/or (b) the parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, watercourses, unusual shape or proportions, or utility easements which cross the parcel.
  - 2. In such case, the applicant shall submit a letter to the township requesting a waiver of the minimum planned development size requirements. The request shall be submitted prior to submittal of a site plan and application for planned development approval. The planning commission shall review the request and make a recommendation to the township board.
  - 3. The township board shall make the final decision concerning a request to waive the planned development size requirements.
  - 4. The township board may, upon recommendation from the planning commission, consider two or more separate parcels, each of which is 40 acres or greater, as a single planned development, upon making the determination that: (1) the separate parcels would be integrally related in terms of land use, public facilities, public utilities, traffic and roads, design features, or other reasons; and (2) there would be a public benefit from comprehensively planning and developing the separate parcels under single ownership or control as a integrated project.
- C. *Use of public services.* The proposed type and density of use shall not: 1) result in an unreasonable increase in the use of public services, facilities and utilities; 2) create a demand that exceeds the capacity of utilities; and 3) place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment.
- D. *Compatibility with master plan.* The proposed development shall not have an adverse impact upon the master plan for the township. Notwithstanding this requirement, the township may approve a planned development proposal that includes uses or residential density which are not called for on the future land use map; provided that, the township board, upon receiving a recommendation from the planning commission, determines that such a deviation from the future land use map is justified in light of the current planning and development objectives of the township.

However, upon approval of a planned development, the planning commission shall initiate action where necessary to amend the master plan so that the future land use map designation is consistent with the approved planned development.

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- E. *Economic impact.* The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
  - F. *Usable open space.* The proposed development shall contain at least as much usable open space as would otherwise be required by the existing underlying zoning.
  - G. *Preservation of natural features.* The proposed development shall preserve distinctive natural features on the site to the maximum extent feasible, such as, but not limited to, woodlands, wetlands, rolling topography, natural drainage courses, etc. Planned developments shall comply with the Lyon Township's Tree Protection Ordinance.
  - H. *Unified control.*
    - 1. The proposed development shall either: (1) be under single ownership or control such that there is a single person or entity having responsibility for assuring completion of the project in conformity with this Ordinance; or (2) if there is more than one owner or entity with an interest in the project, then there shall be a commitment in writing by each owner and/entity to work in unison to complete the project in complete conformity with this Ordinance.
    - 2. The applicant(s) shall provide legal documentation of single ownership, single control, or joint unified control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the building department.

### **Section 7.03. Project design standards.**

Proposed planned developments that satisfy the eligibility criteria in section 7.02 shall comply with the following project design standards:

- A. *Location.* A planned development may be approved in any location in the township, subject to review and approval as provided for herein.
- B. *Permitted uses.* Any land use authorized in this Ordinance may be included in a planned development as a principal or accessory use, provided that:
  - 1. The predominant use on the site, based on acreage, shall be consistent with the uses specified for the parcel on the township's future land use map and zoning map. Where the predominant uses are not consistent, prior to planned development approval an amendment to the future land use map may be required, as noted in subsection 7.02.D, and an amendment to the zoning map may be required, as noted in item subsection B.5, below.
  - 2. There shall be a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area.
  - 3. Residential, neighborhood commercial, office, and public uses may be developed together in a planned development, provided the uses are compatible and complementary, demonstrating good site design and planning principles.
  - 4. The mix of uses and the arrangement of those uses within a planned development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.

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5. Where the existing underlying zoning district is residential, nonresidential uses may be permitted as a part of a planned development provided that such nonresidential uses occupy a maximum of 20 percent of the buildable acreage of the site, subject to the following conditions:
    - a. The mix of uses must be consistent with the planned uses on the future land use map.
    - b. An amendment to the zoning map to change the underlying zoning (see definition of "underlying zoning" in section 3.02) shall be required prior to final planned development approval if more than 20 percent of the acreage in a residential planned development is proposed to be occupied by nonresidential uses.
    - c. For the purposes of this subsection B.5, nonresidential may include, but is not limited to: commercial, office, research, public (e.g., library, post office, municipal facilities), and recreational.
  - C. *Residential density.* The overall density of residential uses within a planned development shall be based on the density that could be achieved with the underlying zoning (as defined in section 3.02). To approximate the density that could be achieved with the underlying zoning, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located. The parallel plan shall adhere to the following principles:
    1. It shall reflect a realistic assessment of wetland use, considering the constraints imposed by the Michigan Department of Environmental Quality and U.S. Environmental Protection Agency. Accordingly, the parallel plan shall minimize wetland fill and the need for mitigation. If wetland fill is proposed on the parallel plan, it shall not exceed the wetlands fill shown on the planned development plan by more the minimum lot area of the underlying zoning district (R-1.0: 35,000 sq. ft.; R-0.5: 17,000 sq. ft.; and, R-0.3: 12,000 sq. ft.).
    2. All lots on the parallel plan shall be able to accommodate the proposed housing product without encroaching into required setbacks.
    3. The parallel plan shall allocate land for stormwater management facilities in an amount necessary to accommodate the development's needs, pursuant to township engineering standards.
    4. If the planned development will be using public water and sanitary sewer utilities, then the parallel plan shall be designed to use public water and sanitary sewer utilities. If the planned development will be using wells and septic systems, then the parallel plan shall be designed to use wells and septic systems.
    5. The parallel plan shall comply with applicable requirements in the Zoning Ordinance and Township Code of Ordinances, including the Subdivision Ordinance.

The parallel plan shall be used as an advisory tool to be used as a guide by the planning commission and township board to determine the appropriate density of a residential planned development. Thus, the particular design characteristics of a planned development may warrant an increase or decrease in the number of dwelling units above or below the number shown on the parallel plan.

The township board, following review by the planning commission, may grant an increase in density upon finding that the planned development exhibits design excellence and would result in a substantial benefit to the future residents and the community as a whole. Examples of residential design excellence include, but are not limited to: preservation of a substantial landscaped or rural viewshed along main roads, avoidance of a grid street pattern, preservation of natural habitat and trees, preservation of natural topography, and layout of lots so they abut open space. Additional criteria that the planning commission and township board may consider when determining whether a density increase is warranted include:

<b>High Priority:</b>	Justifies an increase in density
<b>Moderate Priority:</b>	Increase in density determined on a case by case basis
<b>Low Priority:</b>	Combined with high and moderate priorities may warrant an increase
<b>Priority</b>	<b>Density Criteria</b>
High	Protection of land from annexation.
High	Funding of improvements in parks.
High	Donation of land for parks or open space to retain the land for the common good in perpetuity.
High	Paving, making substantial improvements to, or funding of improvements to township roads where the entire township benefits.
High	Construction and/or donation of community buildings and/or the land for such buildings, where the need has been identified by the township.
Moderate	Preservation of a rural viewshed along a main road (minimum viewshed depth of 200 to 300 feet).
Moderate	Provision of usable and contiguous open space within the development amounting to at least 40 percent of the site, using the concepts of clustering.
Moderate	Reclamation and reuse of land, where previous use of the land causes severe development difficulties or has caused blight.
Moderate	Installation of streetscape on an arterial road, beyond what is required, where compatible with township guidelines (street trees, street lights, landscaping, pedestrian amenities).
Moderate	Provision of multi-use trails, beyond what would typically be included in such development or would be required by the township. Also, making connections to the township's trail system.
Low	Drain and drainage improvements, beyond what are required, using best management practices.
Low	Provision of monument signs or landmarks to identify township boundaries.
Low	Upsizing utilities to meet township water system or sanitary sewer system master plan objectives.
Low	Preservation of historic farms, barns, and other buildings to preserve the history of Lyon Township.

D. *Yard setbacks.* Planned developments shall comply with the following minimum yard setback requirements:

	<b>Residential Use</b>	<b>Nonresidential Use</b>
Along perimeter, adjacent to a public road	75 ft.**	75 ft.
Along perimeter, but not adjacent to a road	40 ft.	40 ft.
Along an internal collector of local road	40 ft.	50 ft.
Along and internal thoroughfare road	50 ft.	75 ft.
Between a parking lot and the property line		

—Adjacent to a road	40 ft.	50 ft.
—Not fronting on a road	20 ft.	20 ft.

Setback table notes:

Setbacks adjacent to roads shall be measured from the planned rights-of-way lines.

\*\* Although the minimum setback adjacent to roads is 75 ft., developers are encouraged to provide a 250-ft. to 300-ft. rural viewshed along main roads, consisting of open or wooded areas left in a natural state.

Modification to these yard setback requirements may be approved by the township board, upon recommendation from the planning commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.

E. *Distances between buildings.* Buildings within a planned development shall comply with the following spacing requirements:

1. Any detached single-family structure shall be located at least 30 feet from any other detached single-family structure, and shall provide a minimum side yard setback of 15 feet on both sides. To accommodate side entry garages in a single-family subdivision or site condominium, houses may be offset, with a minimum side setback of ten feet on one side, provided that the minimum distance between houses shall be 30 feet. This option shall be permitted only on blocks where, prior to any housing construction, the minimum side setbacks and garage orientation have been designated for every lot on the approved final preliminary plat or site condominium plan.
2. The minimum rear yard setback and minimum lot size for detached single-family structures in a planned development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.
3. Residential buildings containing more than one unit (i.e., apartments, townhouses, attached dwellings) shall conform to the spacing requirements set forth in section 19.03.
4. Nonresidential buildings or uses shall be located at least 100 feet from any residential buildings, unless it is demonstrated that a lesser setback would be reasonable because of the orientation and design of buildings, proposed screening and landscaping, or other features that would minimize any adverse impact of nonresidential uses.
5. The distance between adjacent freestanding nonresidential structures shall be based on good planning and design principles, taking into account the need for: Free access for emergency vehicles; adequate amounts of light and air between buildings; and proper amounts of landscaping.

Modification to these building spacing requirements may be approved by the township board, upon recommendation from the planning commission, upon making the determination that other building spacing requirements would be more appropriate because of the particular design and orientation of buildings.

F. *Building height.* Buildings within a planned development shall comply with the following height requirements: residential buildings: 30 feet; commercial and office buildings: 30 feet; industrial buildings: 35 feet.

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- G. *Parking and loading.* Planned developments shall comply with the parking and loading requirements specified in article 14.00 of this Zoning Ordinance, except that off-street parking for separate buildings or uses may be provided collectively, subject to the following:
1. The total number of spaces provided collectively shall be based on evidence, consisting of projected hourly parking demand for each use, demonstrating that sufficient spaces will exist to meet parking needs at all times.
  2. Each use served by collective off-street parking shall have direct access to the parking without crossing roads.
  3. The collective off-street parking shall not be located farther than 500 feet from the building or use being served.
- H. *Landscaping.* Planned developments shall comply with the following landscaping requirements:
1. *General site requirements.* All unpaved portions of the site shall be planted with grass, groundcover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Seeded areas shall be watered and fertilized regularly so as to provide a healthy lawn within 90 days after planting.
  2. *Landscaping adjacent to roads.* All planned developments shall comply with the following requirements:
    - a. A minimum of one deciduous or evergreen tree shall be planted for each 40 lineal feet or portion thereof of road frontage, PLUS, a minimum of one ornamental tree shall be planted for each 100 lineal feet or portion thereof of road frontage, plus, a minimum of eight shrubs shall be planted for each 40 lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. Where appropriate, it is intended that new landscaping enhance and complement the rural landscape, based on the principles set forth in the ten mile road corridor plan. All landscaping adjacent to roads shall comply with the corner clearance requirements in section 12.08.
  3. *Berm requirements.* Wherever front, side, or rear yards adjacent to public rights-of-way are used for parking, a landscaped berm shall be required to screen the parking from view of the road. The berm shall be a minimum of three feet in height, have a maximum slope of four feet horizontal for one foot vertical, and be planted in accordance with the previous requirements for landscaping adjacent to roads. Alternatively, parking may be screened from the road with a three-foot high evergreen screen, which shall meet the requirements of section 15.02, subsection F. Where a landscaped berm or evergreen screen are not feasible, parking may be screened from the road with a three-foot high red or brown brick wall.
  4. *Screening.* Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a nonresidential use parking is located adjacent to a residential use, school, park, or similar public area. Landscaped screening shall consist of closely-spaced evergreen plantings, which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within three years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. If a wall is used instead of landscaping, the wall shall comply with the requirements in section 15.08.
  5. *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall be provided with at least ten square feet of interior landscaping per parking space. Landscaped areas in parking lots shall be not less than ten feet in any single dimension, and no less than 150 square feet in area.

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6. *Standards for plant material.* Proposed plant materials shall comply with the standards set forth in section 15.04.
  7. *Treatment of existing plant material.* In instances where healthy plant material exists on the site prior to its development, the township may permit substitution of such plant material in place of the requirements set forth previously, provided such substitution is in keeping with the spirit and intent of this article and the ordinance in general.
  8. *Design flexibility.* In consideration of the overall design and impact of a specific landscape plan, and in consideration of efforts to maintain the natural landscape, the planning commission may modify the specific landscape requirements outlined herein, provided that any such modifications are in keeping with the intent of this article.
- I. *Open space requirements.* Planned developments containing a residential component shall provide and maintain contiguous usable open space that is accessible to all residents, which shall comply with the following requirements:
    1. A minimum of 20 percent of the gross area of the site (buildable and nonbuildable acreage) that is designated for residential use shall be set aside for such open space.
    2. Any pervious land area may be included as required open space, except as follows:
      - a. No more than 25 percent of the required usable open space shall include the area of any waterbodies or wetlands which are covered only periodically with standing water (such as hardwood swamps or "wet" meadows).

Required usable open space shall not include the area of any designated wetland that is covered by water or muck such that it is not a suitable environment for walking or similar passive leisure pursuits.
      - b. Required usable open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any stormwater detention or retention ponds.
    3. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:
      - a. Indicate the approved use(s) of the required open space.
      - b. Provide a legal description of the open spaces to be conserved.
      - c. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
      - d. Provide maintenance standards and a maintenance schedule.
      - e. Provide for assessment of the private property owners by the Charter Township of Lyon for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
- J. *Frontage and access.*
    1. Planned developments shall front onto a paved major thoroughfare or collector road (as designated in the township master plan) or state trunkline, and the main means of access to the development shall be via the major thoroughfare, collector road, or state trunkline. All roads fronting a planned development shall be paved. In lieu of paving, a developer may contribute an amount equal to the cost of required paving to the township road fund, subject to township

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board approval. The nearest edge of any entrance or exit road shall be located no closer than 400 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

2. All roads in a planned development shall be dedicated to the public, and no private roads shall be permitted except in the following circumstances:
    - a. To allow continuation of existing private roads within a planned development or site condominium, except where connection to a public road is feasible; or
    - b. To allow extension of an existing private road where the private road is the only means of access to a parcel.
  3. Individual residential dwelling units in a planned development shall not have direct access onto a major thoroughfare, collector road, or state trunkline. The planned development should be designed so that through-traffic, including traffic generated by nonresidential uses within the planned development, is discouraged from traveling on residential streets.
- K. *Natural features.* The development shall be designed to promote preservation of natural resources and natural features. If natural animal or plant habitats of significant value exist on the site, the planning commission or township board may require that the planned development plan preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred percent of any preserved natural area may be counted toward meeting the requirements for open space, except that designated wetlands which cannot be developed or utilized due to local, state, or federal regulations shall not be counted as required open space except as permitted in subsection I, above.
- L. *Bike paths and sidewalks.* A public bicycle path or sidewalk shall be required along adjoining principal arterial, minor arterial, and collector roads (as illustrated on the bicycle path and sidewalk master plan map). In addition, five-foot wide sidewalks shall be installed on both sides of streets or private roads within proposed subdivisions and single-family condominium developments having an average lot size of 15,000 square feet or less, and on both sides of streets or private roads within multiple-family residential developments. Bicycle paths and sidewalks shall comply with the Lyon Township's Bicycle Path and Sidewalk Ordinance.
- M. *Stormwater detention or retention.* Required stormwater detention or retention shall be provided in open unfenced detention or retention basins. These basins shall be incorporated into the landscaping or open space plan for the development so that they have the appearance of an appealing natural feature. Stormwater detention or retention shall comply with the township's engineering standards.
- N. *Additional considerations.* The planning commission shall take into account the following considerations, which may be relevant to a particular project: Thoroughfare, drainage; utility design and capacity of the utility systems; road capacity; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially-zoned property.
- O. *Industrial activity statement.* Industrial uses shall complete an industrial activity statement, as specified in section 33.03, subsection K.

(Ord. No. 01-16, pt. 2, 2-1-2016; Ord. No. 01-18, § 1, 1-2-2018)



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## Section 7.04. Procedures and requirements.

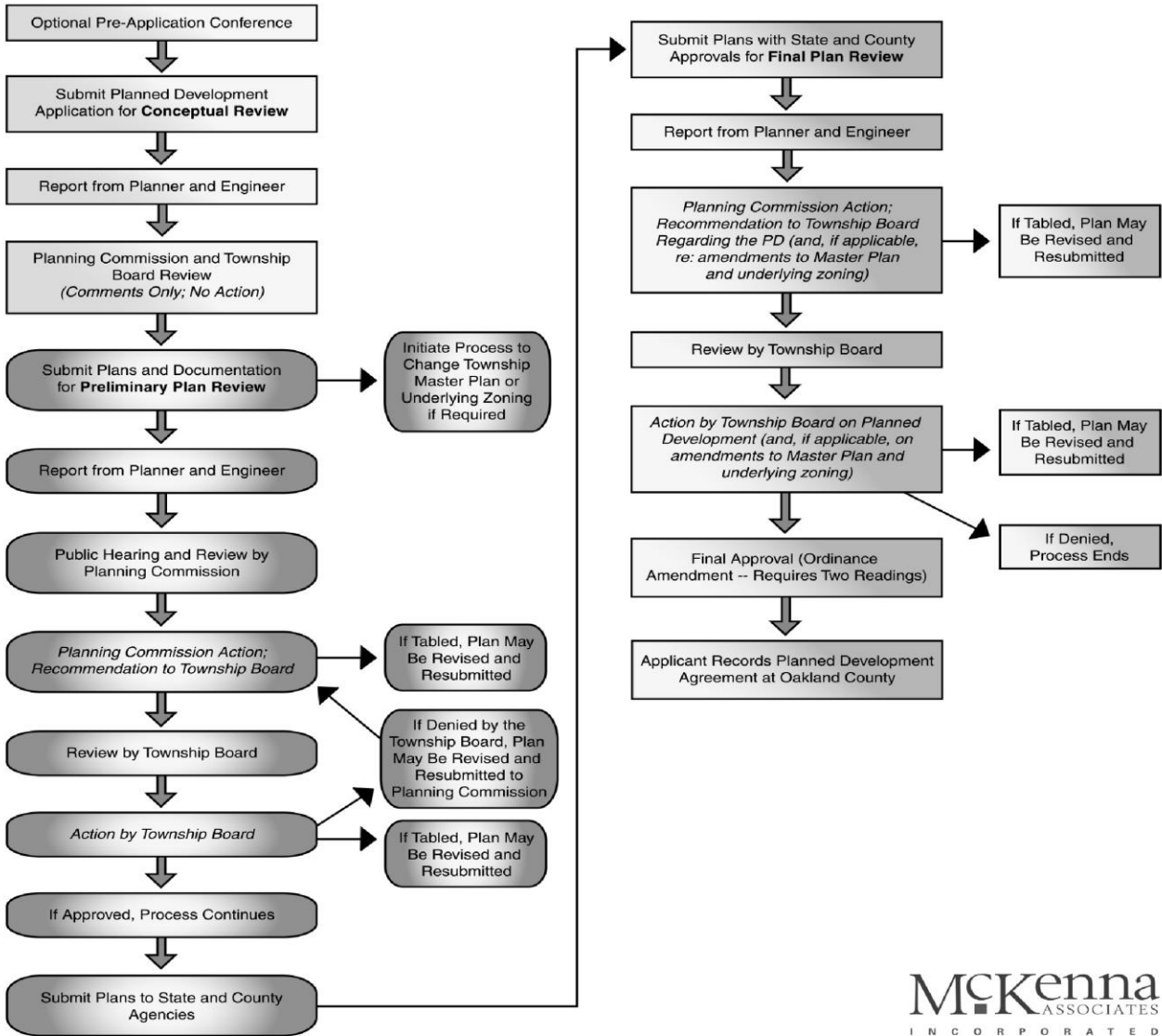
The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PD, planned development." Approval granted under this article, including all aspects of the final plan and documentation and conditions imposed thereon, shall constitute an inseparable part of the zoning amendment.

- A. *Summary of review procedures.* A summary of the steps involved in the review of planned development applications follows:

	<b>Review Procedure</b>	<b>Subsection</b>
Step 1	Optional pre-application conference	C
Step 2	Submit conceptual review application	D
Step 3	Planning commission conceptual review	D
Step 4	Township board conceptual review	D
Step 5	Submit preliminary plan and application	E
Step 6	Public hearing	E.3
Step 7	Planning commission preliminary plan review and action	E.4
Step 8	Township board preliminary plan review and action	E.6
Step 9	Submit final plan and application	F
Step 10	Planning commission final review and action	F.2
Step 11	Township board final review and action	G
Step 12	Record the planned development agreement	G.1

A detailed explanation of the review procedures follows. If a proposal is inconsistent with the master plan future land use map and/or zoning map, then additional steps may be required to amend the future land use map or change the underlying zoning to achieve consistency with the planned development as described in section 7.02, subsection D, and section 7.03, subsection B. Where a change to the underlying zoning is required, final action on the rezoning shall not be taken until immediately prior to action on the final planned development plan.

### **Planned Development Review Process**



**B. General application requirements.**

1. The application for planned development shall be made on the forms and according to the guidelines approved by the planning commission. The application shall be submitted to the township planning department and shall be accompanied by the required fees. The applicant shall be responsible for all costs incurred to process and review the application. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.
2. All information required for conceptual, preliminary, or final review shall be submitted to the planning department at least 28 days prior to the planning commission or township board meeting in order to be eligible for consideration. Notwithstanding the 28-day time limit, a case may be withheld from an agenda because of deficiencies to the plans, public notice requirements, or the planning commission's or township board's need to manage their caseload.

**C. Pre-application conference.**

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1. In order to facilitate review of a planned development proposal in a timely manner, the applicant may request an informal pre-application conference with the township planner, township engineer, township attorney, and staff. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials.
  2. The applicant shall present at such a conference or conferences, at minimum, a sketch plan of the proposed planned development, plus a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.
  3. No formal action shall be taken at a pre-application conference. At any time during the course of preparation of plans prior to submission of a formal application, the township shall upon request provide information concerning Zoning Ordinance procedures and standards.
- D. *Conceptual review.* Planned development projects are required to undergo a conceptual review process in order to facilitate a complete and thorough review prior to approval. This requirement is deemed necessary because planned development projects are generally large or complex projects with higher intensity development that could have a major impact on surrounding land uses and significantly affect the health, safety and general welfare of township residents.
1. *Conceptual review procedure.* All planned development projects shall undergo a conceptual review, which shall be undertaken first by the planning commission and then by the township board at public meetings held pursuant to all applicable notice requirements. No formal action shall be taken on a plan submitted for conceptual review. Upon completion of the conceptual review by the planning commission and township board, the minutes of the conceptual review meetings shall be prepared and be made available for the benefit and use of the planning commission and township board during the formal consideration of the proposal.
  2. *Information required for conceptual review.* The information required for conceptual review shall be provided according to the requirements of section 7.05, subsection A, of this Ordinance and shall be submitted to the planning department for review. If complete and accurate plans and documents are submitted at least 28 days prior to a planning commission or township board meeting, as appropriate, the case will be eligible to be placed on the meeting agenda (although placement on an agenda may be delayed due to other scheduling priorities).
  3. *Effect of conceptual review.* The conceptual review shall not constitute any form of approval of the planned development or the site plan. The process is intended to give the applicant an indication of the issues and concerns that must be resolved prior to preliminary plan review.
- E. *Preliminary plan review.* Planned development projects shall undergo a two-step plan review and approval process involving preliminary and final review. The procedures for preliminary review are outlined in this subsection. The preliminary site plan shall be subject to the site plan review requirements in article 5.00 of this Ordinance, where applicable, as well as the additional requirements in this section.
1. *Information required for preliminary plan review.* The information required for preliminary review shall be provided according to the requirements of section 7.05, subsection B. The applicant shall submit copies of the preliminary plan and supporting materials to the planning department for review (the planning department shall determine the number and size of plans required). If complete and accurate plans and documents are submitted at least 28 days prior to a planning commission meeting, the case will be eligible to be placed on the meeting agenda (although placement on an agenda may be delayed due to other scheduling priorities).

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2. *Amendment to the underlying zoning.* If revisions to the underlying zoning are required pursuant to subsection 7.03.B.5, then such revisions shall be initiated at the preliminary plan stage of review. The rezoning shall be initiated by submitting a completed application for amendment to the zoning map, which shall be accompanied by a metes and bounds description of the property that is subject to rezoning. The rezoning request may be processed concurrently with the planned development application, but final action on the rezoning shall be delayed until immediately prior to final planned development plan approval.
  3. *Professional review.* The township planner and township engineer shall submit written reviews of the preliminary plan to the planning commission, whenever possible at least five days prior to the meeting at which the case will be discussed. Input from other agencies, such as the road commission or drain commission, may be sought.
  4. *Public hearing.* The planning commission shall hold a public hearing on each planned development proposal.
    - a. *Scheduling of public hearing.* The township administrator (supervisor or his/her designee) shall schedule a public hearing after any designated agencies or consultants have completed their reviews and submitted their findings concerning the proposed project.
    - b. *Notice requirements.* Publication in a newspaper and written notification of the public hearing shall be made as set forth in subsection 4.05(a). In addition, the applicant must, at his/her expense, install rezoning sign(s) on the property at least 15 days prior to the public hearing, in compliance with subsection 9.03(B).
  5. *Planning commission preliminary review.* The planning commission shall review the preliminary plan and application for planned development, together with the public hearing findings and any requested reports and recommendations from the building official, township planner, township attorney, township public safety officials, township engineer, and other reviewing agencies. The planning commission shall then make a recommendation to the township board, based on the requirements and standards of this Ordinance. The planning commission may recommend approval, approval with conditions, or denial as follows, or the commission may table action on the case:
    - a. *Approval.* Upon determination by the planning commission that the preliminary plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, and that the proposed development would be beneficial to the public health, safety, and welfare and orderly development of the township, the planning commission shall recommend approval.
    - b. *Approval with conditions.* The planning commission may recommend that the township board impose reasonable conditions upon the approval of a preliminary planned development plan, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance and the standards set forth in section 7.06.
    - c. *Denial.* Upon determination by the planning commission that a preliminary planned development proposal does not comply with the standards and regulations set forth in this

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Ordinance, including section 7.06, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the township, the planning commission shall recommend denial.

- d. *Table.* If the planning commission determines that there is additional information needed to make a decision, and the developer is willing to provide such information, then the commission may table the case to a subsequent meeting.
6. *Transmittal of findings to township board.* The township planner shall prepare and transmit a report to the township board stating it's the planning commission's conclusions and recommendation, the basis for the planning commission's recommendation, and any recommended conditions relating to an affirmative decision.
7. *Township board action.* Following receipt of the planning commission's recommendation, the application shall be placed on the township board's next available meeting agenda after the approved planning commission meeting minutes are available. The township board shall review the preliminary plan, together with the findings of the planning commission and the planning commission approved minutes, and the reports from the township planner, township engineer, township attorney, and other review agencies. Following completion of its review, the township board shall approve, approve with conditions, or deny a preliminary planned development proposal in accordance with the guidelines described previously in section 7.04, subsection E. If the township board determines that there is additional information needed to make a decision, and the developer is willing to provide such information, then the board may table the case to a subsequent meeting and/or remand the case to the planning commission for further review.
8. *Effect of preliminary approval or denial.* A preliminary approval shall mean that the planned development project and plan generally meet the requirements of this Ordinance. Subject to any conditions imposed by the township board as part of its motion, final approval will be granted if:
  - a. All state and county approvals are obtained;
  - b. No unresolved negative comments are received by any governmental agencies or public utilities; and
  - c. All federal, state and local laws and ordinances are met; and
  - d. All conditions imposed during preliminary plan approval are met.

An unresolved negative comment shall be one that indicates the existence of a condition which is contrary to the requirements of this Ordinance or other applicable ordinances or laws, where such requirement has not been waived or dismissed as a result of an approval by the planning commission and township board.

A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the ordinance that are not met.

If the township board determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan for further review by the planning commission and township board.

Preliminary plan approval expires two years after the date of township board approval. However, 12-month extensions may be granted by the planning commission, provided that the developer demonstrates that he/she is making substantial progress toward application for final planned development approval. Evidence of "substantial progress" may include, but is not limited to:

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- Progress toward securing financing for the project.
  - Completion of a draft planned development agreement.
  - Completion or progress toward completion of engineering drawings.
  - Completion of draft condominium master deed, bylaws and condominium subdivision plan.
  - Presentation of a timetable for submittal of an application for final planned development approval.
  - Tentative commitments from tenants or homebuyers.
  - If not current on taxes and assessments, then making substantial progress toward payment of taxes and assessments.

In addition, the planning commission shall make a determination that conditions on or surrounding the property have not changed to the extent that the project is no longer appropriate or feasible.

Any request for an extension shall be submitted in writing prior to expiration of the current approval. The preliminary plan shall be brought up-to-date so that it represents current conditions and zoning on and surrounding the site. The planning commission may take the conditions and zoning under consideration in its decision whether to grant an extension.

9. *State and county approval.* Following preliminary plan approval by the township board, the applicant shall seek approval of the plan from local, county and state agencies that have jurisdiction over any aspect of the project. In the event that an agency cannot grant final approval based on the information currently available, then preliminary or conditional approval shall be sought to confirm the feasibility of the plan.

a. All planned development projects shall require the review and approval of the following agencies prior to final site plan approval:

- (1) The Road Commission for Oakland County or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation;
- (2) The Oakland County Drain Commission;
- (3) The Oakland County Health Division and the Michigan Department of Environmental Quality shall approve the potable water system and the wastewater disposal system; and
- (4) The department of environmental quality approval shall be required for any activity involving regulated wetlands and floodplain.

In the event that negative comments are received from any of these agencies, the planning commission and township board shall consider the nature of such comments with respect to ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.

b. In addition to the specific required approvals, all planned development project site plans shall have been submitted to the Michigan Department of Natural Resources, each of the public utilities serving the site, and any other state agency designated by the planning

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commission, for informational purposes. The planning commission shall consider any comments made by these agencies prior to final site plan approval.

- F. *Planning commission final review and recommendation.* Final approval shall be considered by the planning commission upon the receipt of all the information required for final review in section 7.05, subsection C.
1. *Submission of revised site plan.* The applicant shall submit copies of the revised plan to the planning department for final review by the planning commission (the number and size of plans shall be determined by the planning department). If complete and accurate plans and documents are submitted at least 28 days prior to a planning commission meeting, the case will be eligible to be placed on the meeting agenda (although placement on an agenda may be delayed due to other scheduling priorities).
  2. *Final approval by planning commission.* The planning commission shall review the application for planned development, together with the public hearing findings and any requested reports and recommendations from the building official, township planner, township attorney, township public safety officials, township engineer, and other reviewing agencies. The planning commission shall then make a recommendation to the township board, based on the requirements and standards of this Ordinance. If revision to the underlying zoning is required, then the planning commission shall make a recommendation on the rezoning prior to taking action on the final planned development plan. The planning commission may recommend approval, approval with conditions, denial, or table action on the case, as follows:
    - a. *Approval.* Upon finding that the final plan and supporting documentation, including the planned development agreement, are in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, that the development will not be injurious to the public health, safety and welfare, and orderly development of the township, and that all conditions of preliminary plan approval have been met, then the planning commission shall recommend approval.
    - b. *Approval with conditions.* The planning commission may recommend that the township board impose reasonable conditions upon the approval of a planned development, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance and the standards set forth in section 7.06. In the event that the planned development is approved subject to specified conditions, such conditions shall become a part of the record of approval and such conditions shall be modified only as provided in section 7.08.

Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the planning commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with article 5.00, provided that:

- (1) The location and approximate size of such buildings shall be shown on the overall plan for the planned development;

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- (2) Detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in article 5.00; and
  - (3) The plan shall comply with the phasing requirements in section 7.07.
- c. *Denial.* Upon determination by the planning commission that a planned development proposal does not comply with the standards and regulations set forth in this Ordinance, including section 7.06, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the township, the planning commission shall recommend denial.
  - d. *Table.* If the planning commission determines that there is additional information needed to make a decision, and the developer is willing to provide such information, then the commission may table the case to a subsequent meeting.
3. *Transmittal of findings to township board.* The township planner shall prepare and transmit a report to the township board stating it's the planning commission's conclusions and recommendation, the basis for it's the planning commission's recommendation, and any recommended conditions relating to an affirmative decision.
- G. *Township board action required.* Following receipt of the planning commission's report, the application shall be placed on the township board's next available meeting agenda. The township board shall review the final plan and proposed planned development agreement, together with the findings of the planning commission and the planning commission minutes, and, reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the township board shall approve, approve with conditions, or deny a planned development proposal in accordance with the guidelines described previously in section 7.04, subsection F.2. However, if the township board determines that there is additional information needed to make a decision, and the developer is willing to provide such information, then the board may table the case to a subsequent meeting and/or remand the case to the planning commission for further review. Planned development approval results in an amendment to the Zoning Ordinance, so two readings at subsequent meetings are required by the township board. If a plan is approved subject to conditions, then all such conditions shall be addressed prior to execution of the planned development agreement. Denial of a final plan by the township board terminates the approval process.
1. *Planned development agreement.* If the township board approves the planned development proposal, the township and applicant shall execute the planned development agreement, which shall be recorded in the office of the Oakland County Register of Deeds. Final approval of the planned development plan shall become effective upon recording of the agreement. Evidence of the recorded agreement shall be submitted to the township, whereupon the designation on the zoning map will be changed to "PD."
  2. *Effect of approval.* Approval of a planned development proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published by the township in accordance with the requirements set forth in this Ordinance.
- H. *Recording of planning commission and township board action.* Each action taken with reference to a planned development shall be duly recorded in the minutes of the planning commission or township board as appropriate. The grounds for the action taken shall also be recorded in the minutes.
- I. *Completion of site design.*



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1. *Obtaining a building permit.* Following final approval and recording of a planned development, a building permit may be obtained for the entire project or specific phases provided that:
    - a. Final site plan, condominium, or subdivision plat approval for the project or phase, as applicable, has been obtained;
    - b. The engineering plans for the project or phase, as applicable, have been approved by the township engineer and building official;
    - c. All applicable township, county, and state permits have been obtained; and
    - d. All required performance guarantees have been submitted.
  2. *Maintenance of the property.* The owner of the property for which approval has been granted shall maintain the property in accordance with the approved planned development plan on a continuing basis until the property is razed, or until an amendment to the planned development is approved. Any property owner who fails to so maintain an approved planned development shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties appropriate for such violation.
  3. *Expansion or conversion.* Prior to expansion or conversion of a planned development project to include additional land, plan review and approval shall be required pursuant to the requirements in this article and this Ordinance.
- J. *Performance guarantee.* A performance guarantee shall be deposited with the township to insure faithful completion of improvements, in accordance with article 17.00.
- [K]. *Expiration and extension of approval.*
1. Construction shall commence on at least one phase of the project within 24 months of the date of township board approval. However, the developer may seek subsequent 12-month extensions of approval by submitting a written request to the planning department prior to the expiration date. Extension of approval is not required for an uncompleted project where there is ongoing substantial construction.
  2. A request for extension shall be reviewed first by the planning commission, who shall make a recommendation to the township board. The township board may grant an extension of up to 12 months upon finding that the approved plan represents current conditions on and surrounding the site.
  3. If construction has not commenced in accordance with subsection 1. and a request for extension has not been received in accordance with subsection 2., the planning commission shall initiate proceedings to amend the zoning classification of the site to remove the "PD" classification.

(Ord. No. 05-11, pt. II(Exh.), 4-4-2011; Ord. No. 03-12, pt. 2.B., 8-6-2012; Ord. No. 196-18, §§ 1, 2, 7-2-2018; Ord. No. 12-20, § 3, 1-4-2021)

### **Section 7.05. Application data requirements.**

Applications for planned development shall include all data requirements specified in this section. All information required to be furnished under this section shall be kept updated until a certificate of occupancy has been issued pursuant to section 10.02 of this Ordinance.

- A. *Requirements for conceptual review.* It is required that the following information be provided prior to conceptual review, pursuant to subsection 7.04.D. The absence of any requested information may limit the extent to which the planning commission and township board can comment on the proposal:

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1. The name, address and telephone number of:
    - a. All persons with an ownership interest in the land on which the planned development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).
    - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
    - c. The developer or proprietor of the planned development project.
  2. The legal description of the land on which the planned development project will be developed together with appropriate tax identification numbers.
  3. The area of the land (in acres) on which the planned development project will be developed.
  4. An overall conceptual land use plan for the planned development, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other nonresidential uses; each type of open space; community facility and public areas; and other proposed land uses.
  5. The conceptual land use plan shall also show the following information:
    - a. A general location map.
    - b. The vehicular circulation system planned for the proposed development.
    - c. The location of existing private and public streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.
    - d. The approximate layout of dwelling units, parking, open space, and recreation/park areas.
    - e. Landscaped screening proposed along the perimeter of the development.
  6. Approximate number of nonresidential buildings and residential units proposed to be developed on the subject parcel. For residential developments, an analysis shall be provided to determine the number of units that could be developed on the property under conventional zoning. The analysis shall consist of a parallel plan as described in section 7.03.C.
  7. Topographic survey and soils inventory based on the Oakland County Soils Survey.
  8. General locations and approximate dimensions of wetland areas, floodplains, and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
  9. A description of the proposed sewage treatment and water supply systems. Plans should be sufficiently detailed to demonstrate compliance with the Lyon Township's Utility Ordinance.
  10. Proposed stormwater management and drainage system.
  11. A map showing existing zoning designations for the subject property and all land within one-quarter mile.
  12. A map and written explanation of the relationship of the proposed planned development to the township's master plan for future land use.
  13. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, watercourses, wildlife habitats, streets and rights-of-way, easements, structures and soils.

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14. An analysis of the traffic impact of the proposed planned development on existing and proposed streets.
  15. An analysis of the fiscal impact (costs and revenues) of the proposed planned development on the Charter Township of Lyon and the school district in which the development is located.
  16. Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety (e.g., provide a list of developments completed by the applicant in the past ten years, with a description of the project, number of units, and time required to complete).
  17. A general schedule for completing the planned development, including the phasing or timing of all proposed public and private improvements.
- B. *Requirements for preliminary review.* In addition to the requirements in article 5.00 and applicable information specified on the site plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for preliminary review:
1. All preceding information required for conceptual review.
  2. A detailed overall plan for the planned development which shows all of the information required on the conceptual land use plan, plus the following:
    - a. Locations and setbacks of each structure and use in the development.
    - b. Typical layouts and facade design for each type of use or building. Detailed information, including floor plans, facade elevations, and other information normally required for site plan review, shall be provided for buildings which are proposed for construction in the first phase.
    - c. The building footprint of proposed buildings. In the case of single-family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
    - d. The vehicular circulation system planned for the proposed development.
    - e. The proposed layout of parking areas, open space and recreation/park areas.
    - f. Proposed landscape screening along the perimeter and within the site, including greenbelts, berms and screening walls.
  3. The precise number of nonresidential and residential units to be developed on the subject parcel.
  4. An environmental analysis of the land, including a hydrology study, analysis of soil conditions, and analysis of other significant environmental features. The hydrology study shall consist of information and analysis in sufficient detail (as determined by the township engineer) to indicate the impact of the project on surface water and groundwater.
  5. Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
  6. A complete description of the proposed sewage treatment and water supply systems, including documentation from a qualified engineer indicating the feasibility of implementing such systems.
  7. Preliminary approval by the Oakland County Health Division and/or Michigan Department of Environmental Quality of the proposed septic system or sewage treatment system and water system.
  8. Stormwater and drainage system details.

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9. Location of bike paths and sidewalks along roads and elsewhere within the development.
  10. A specific schedule for completing the planned development, including the phasing or timing of all proposed improvements.
- C. *Requirements for final review.* In addition to the requirements in article 5.00 and applicable information specified on the site plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for final review:
1. All information required for conceptual and preliminary review as specified in section 7.05, subsections A. and B., previously, and as specified as conditions of preliminary planned development approval.
  2. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final planned development approval. Where construction is not proposed to begin immediately or where a project is proposed for construction in phases, the planning commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with article 5.00.
  3. Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final planned development approval. Where construction is not proposed to begin immediately or where a project is proposed for construction in phases, the planning commission may recommend that final approval be granted subject to subsequent review and approval of detailed engineering plans for each facility or phase. Such plans shall be prepared in accordance with the township engineering standards, and shall at minimum include the following:
    - a. Engineering plans for all roads, drive aisles and paved areas.
    - b. Site drainage plans, including retention and/or detention areas.
    - c. Engineering plans for proposed utility systems, including sanitary sewerage and water systems.
    - d. Plans for controlling soil erosion and sedimentation during construction.
  4. Following approval of a planned development proposal and an amendment to the Zoning Ordinance per section 7.04, subsection G., final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.
  5. A draft planned development agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the township, and upon which approval of the planned development proposal will be based. The planned development agreement shall, at minimum, include the following:
    - a. A description of the land that is subject to the agreement.
    - b. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
    - c. History of the review procedures and action taken by the planning commission or township board.
    - d. List of all plans, documents, and other materials submitted by the applicant.
    - e. Review and explanation of all special provisions agreed to by the applicant and township during the course of review of the planned development proposal.

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- f. An explanation of all public improvements to be undertaken by the applicant or the township in conjunction with the proposed planned development project.
  - g. Description of any required dedications and permits.
  - h. Confirmation that the proposed development is consistent with applicable township ordinances and planning objectives.
  - i. Duration of the planned development agreement, along with terms under which a termination date may be extended by mutual agreement.
  - j. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed planned development agreement.
  - k. Extent to which the planned development plan may be modified subject to administrative approval, planning commission approval, or township board approval.
  - l. Copies of permits and the conditions of approval received from local, county, or state agencies have jurisdiction over any aspect of the project.

(Ord. No. 01-16, pt. 3, 2-1-2016)

### **Section 7.06. Review and approval standards.**

In considering any application for approval of a planned development plan, the planning commission and township board shall make their determinations on the basis of the standards for site plan approval set forth in article 5.00, as well as the following standards and requirements:

- A. *Conformance with the planned development concept.* The overall design and all uses proposed in connection with a planned development shall be consistent with and promote the intent of the planned development concept, as well as with specific project design standards set forth herein.
- B. *Compatibility with adjacent uses.* The proposed planned development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:
  - 1. The bulk, placement, and materials of construction of proposed structures.
  - 2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - 3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  - 4. The hours of operation of the proposed uses.
  - 5. The provision of landscaping and other site amenities.
  - 6. The anticipated level of noise, vibration, smoke, odor or other environmental discharge.
- C. *Public services.* The proposed planned development shall not exceed the capacity of existing and available public services, including but not necessarily limited to, utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.

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- D. *Impact of traffic.* The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
    - 1. Access to major thoroughfares.
    - 2. Estimated traffic to be generated by the proposed development.
    - 3. Proximity and relation to intersections.
    - 4. Adequacy of driver sight distances.
    - 5. Location of and access to off-street parking.
    - 6. Required vehicular turning movements.
    - 7. Extent and nature of road improvements.
    - 8. Provisions for pedestrian and bicycle traffic.
  - E. *Protection of natural environment.* The proposed planned development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations. Every feasible effort shall be made to preserve distinctive natural features, such as woods, wetlands, streams, and wildlife habitat, and incorporate such features into the design of the planned development. Buildings and structures in planned developments shall comply with the wetlands and watercourse setback requirements specified in footnote "f" of the Schedule of Regulations, section 36.02. Planned developments shall comply with the lot coverage regulations in section 36.02, Schedule of Regulations.
  - F. *Compatibility with the master land use plan.* The proposed planned development shall be consistent with the general principles, goals, objectives of the adopted township master plan for future land use..
  - G. *Compliance with applicable regulations.* The proposed planned development shall be in compliance with all applicable federal, state and local laws and regulations.

### **Section 7.07. Phasing.**

Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the planned development and the residents of the surrounding area. In addition, proposed phasing shall comply with the following requirements:

- A. *Coordination of residential and nonresidential components.*
  - 1. In developments which include residential and nonresidential components, the residential component shall be completed at the same rate or prior to the nonresidential component. For example, if 50 percent of the nonresidential component is proposed to be completed in a certain phase, then at least 50 percent of the residential component should be completed in the same phase. One hundred percent of the residential component shall be completed prior to the final phase of nonresidential construction. The construction of roads, utilities, and other infrastructure shall be considered completion of a residential component, where the intent is to sell lots to others who will construct the housing units.
  - 2. The purpose of this provision is to ensure that planned developments are constructed in an orderly manner and, further, to ensure that the planned development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For purposes of carrying out this provision, the percentages shall be approximations as determined

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by the planning commission based on the floor area and land area allocated to each use. Such percentages may be varied should the township board, upon recommendation from the planning commission, determine that the applicant has presented adequate and effective assurance that the residential component or components of the project shall be completed within the specified period.

B. *Commencement of construction.*

1. Construction of any facility in the first or only phase of a project shall commence within 24 months of the date of township board approval.
2. However, the applicant may submit a revised phasing plan for review and approval by the township's administrative team. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied; provided that the revised phasing does not materially change the integrity of the approved planned development proposal.
3. If construction has not commenced in accordance with subsection 1. and a revised phasing plan has not been received in accordance with subsection 2., the planning commission shall initiate proceedings to amend the zoning classification of the site to remove the "PD" classification.

(Ord. No. 12-20, § 3, 1-4-2021)

### **Section 7.08. Revision of approved plans.**

- A. *General revisions.* Approved final plans for a planned development may be revised in accordance with the procedures set forth in section 7.04.
- B. Minor revisions to approved planned development plans and agreements shall require final planned development approval only by the planning commission and township board, pursuant to section 7.04, subsections F and G. Minor revisions are those that: 1) will not adversely affect the initial basis for granting approval; and 2) will not adversely affect the overall planned development in light of the intent and purpose of such development.

Examples of minor revisions include, but are not limited to: 1) minor lot line changes and/or minor changes in the road alignment in a residential development; 2) changes to the landscaping plan that was part of the approved planned development plans; and 3) change in land use to permit farming on the undeveloped portion of planned development. Revisions that affect the layout of utilities shall not be considered minor.

Revisions not deemed minor may be approved according to the process outlined in section 7.04.

(Ord. No. 04-13, pt. 3, 11-4-2013)

## **ARTICLE 8.00 VARIANCES AND APPEALS**

### **Section 8.01. Intent.**

The purpose of this article is to provide guidelines and standards to be followed by the zoning board of appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.

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## Section 8.02. Authority of the zoning board of appeals.

### A. *General authority.*

1. As set forth in Section 603(1) of Public Act 110 of 2006, as amended, and herein, the zoning board of appeals shall have the authority to hear and decide questions that arise in the administration of the Zoning Ordinance, including interpretation of the zoning map and to hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official, planning commission or township board. The zoning board of appeals shall hear and decide upon matters referred to it as required in this Ordinance. Also, the zoning board of appeals may adopt rules to govern its procedures sitting as a zoning board of appeals pursuant to Public Act 110 of 2006, as amended.
2. The zoning board of appeals shall not have the authority to alter or change the zoning district classification of any property, nor make any change in the text of this Ordinance. The zoning board of appeals shall not have the authority to grant a "use variance." The zoning board of appeals shall not have the authority to hear and decide upon an appeal regarding a special use or a planned development. Further, the zoning board of appeals shall not grant any "non-use" or dimensional variance to any property located in a planned development zoning district, unless specifically authorized by the applicable recorded planned development agreement.

### B. *Administrative review.*

1. The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance. The applicant shall request such appeal within 30 days of the date of the order, refusal, requirement, or determination being appealed.
2. In hearing and deciding appeals under this subsection, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information, which had not been presented to the administrative official, board or commission from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official, board or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, board or commission breached a duty or discretion in carrying out this Ordinance.

C. *Interpretation.* The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the ordinance as a whole, and shall not have the effect of amending the ordinance. Map interpretations shall be made based upon rules in the ordinance, and any relevant historical information. In carrying out its authority to interpret this Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of this Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultant to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of this Ordinance.

D. *Variations.* The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of this Ordinance. A use variance authorizes the establishment of a use of land that is



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otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance and Section 604 of Public Act 110 of 2006, as amended. Such authority shall be exercised in accordance with the following standards:

1. The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
    - a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
    - b. The variance will do substantial justice to the applicant, as well as other property owners.
    - c. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
    - d. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
    - e. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
  2. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request. The fact that a variance would increase the value of property or allow an owner to increase profits is not sufficient grounds for granting the variance.
- E. *Conditions.* The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure that public services and facilities affected by a proposed land use or activity will be capable or accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:
1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of this Zoning Ordinance, be related to the standards established in this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

### **Section 8.03. Applications and notices.**

- A. *Application.* All applications to the ZBA shall be filed with the township clerk, on forms provided by the township, and shall be accompanied by the applicable fee established by resolution of the township board. Applications shall include all plans, studies and other information and data to be relied upon by the

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applicant. Applications involving a request for a variance shall specify the requirements from which a variance is sought.

- B. A decision by the zoning board of appeals (ZBA) shall be considered the full and final decision by the township. Accordingly, an application for one or more variances shall not be filed, and the ZBA shall not act on such application, until all other applicable zoning procedures (e.g., site plan review, special land use review) have been properly completed.
- C. *Plot plans.* Applications involving a specific site shall be accompanied by a sketch which includes the following information, where applicable:
  - 1. Applicant's name, address and telephone number.
  - 2. Scale, north point and dates of submission and revisions.
  - 3. Zoning classification of petitioner's parcel and all abutting parcels.
  - 4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.
  - 5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
  - 6. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
  - 7. Location of existing drainage courses, floodplains, lakes and streams, and woodlots.
  - 8. All existing and proposed easements.
  - 9. Location of sanitary sewer or septic systems, existing and proposed.
  - 10. Location and size of water mains, well sites, and building service, existing and proposed.
  - 11. Any additional information required by the zoning board of appeals to make the determination requested herein.

Where an application requests a variance sought in conjunction with a regular site plan review, a site plan prepared according to article 5.00 shall satisfy the requirements of this section.

The zoning board of appeals has the authority to require a land survey prepared by a registered land surveyor or registered engineer when the ZBA determines it to be necessary to insure accuracy of the plan.

The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

- D. *Applications involving an appeal of administrative order.* In a case involving an appeal from an action of an administrative official or entity, the administrative official, or the clerk or secretary of the administrative entity, as the case may be, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.
- E. *Consent of property owner required.* Applications to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.
- F. *Notice.* The township shall provide written notice of the hearing of an appeal, variance, or interpretation in accordance with section 4.05 of this Zoning Ordinance.
- G. *Stay of proceedings.* An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed (with the exception of court proceedings already in process) unless the officer or entity from

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whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

- H. *Decision by the zoning board of appeals.* The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the administration of this Ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this Ordinance, or to grant a "non-use" variance from the terms of this Ordinance.

(Ord. No. 02-12, pt. II, 2-6-2012)

#### **Section 8.04. Disposition and duration of approval.**

- A. *ZBA powers.* The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.
- B. *Decision final.* A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting and decision, as proposed under supervision of the secretary, shall constitute the written decision.
- C. *Period of validity.* Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than 24 months, unless otherwise specified by the ZBA, and within such period of effectiveness, actual, on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void. The period of approval may be automatically extended by 12 months if the variance was sought in conjunction with a site plan for which approval has been extended by the planning commission.
- D. *Record of proceedings.* The township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the responsibility, of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.
- E. *Appeal of a ZBA decision.* Appeals of a ZBA decision shall be filed within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision, whichever comes first, and shall be made in the manner provided by Section 606 of Public Act 110 of 2006, as amended.
- F. *New application for variance.* If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for a period of one year, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one-year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

### **ARTICLE 9.00 AMENDMENTS**

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### **Section 9.01. Initiation of amendment.**

The township board may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

### **Section 9.02. Application for amendment.**

A petition for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition with the building department, on the forms provided by the building department and accompanied by the fees specified. The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information:

- A. Applicant's name, address and telephone number.
- B. Scale, northpoint, and dates of submission and revisions.
- C. Zoning classification of petitioner's parcel and all abutting parcels.
- D. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.
- E. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
- F. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
- G. Location of existing drainage courses, floodplains, lakes and streams, and woodlots.
- H. All existing and proposed easements.
- I. Location of sanitary sewer or septic systems, existing and proposed.
- J. Location and size of watermains, well sites, and building service, existing and proposed.
- K. A sign location plot plan, in accordance with the rezoning sign requirements contained in this article.

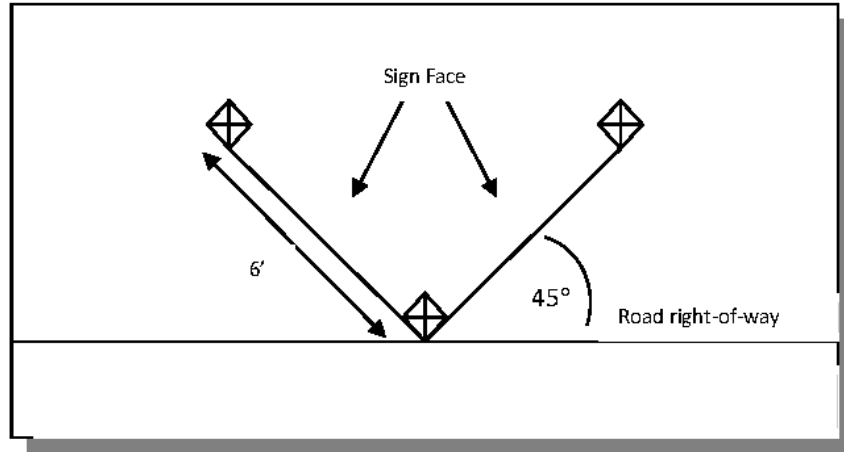
### **Section 9.03. Review procedures.**

After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

- A. *Planning commission review.* The township administrator (supervisor or his/her designee) shall schedule a public hearing in accordance with section 4.05. The petition shall be placed on the planning commission agenda on which the public hearing is scheduled. The planning commission shall review the petition for amendment in accordance with the requirements set forth in Section 14 of Michigan Public Act 110 of 2006, as amended.
- B. *Rezoning sign requirements.* At least 15 days prior to the public hearing before the planning commission, the applicant must, at his own expense, install rezoning signage on the property proposed for rezoning, in full public view along street or road frontages.
  - (1) *Location.* The signs must be prominently placed at 700 feet intervals along the property frontage, adjacent to the public right-of-way. For parcels with less than 700 feet of road frontage, signs

shall be placed at the midpoint of the property width. A corner lot will require a minimum of one sign per road frontage. If more than one zoning district is included in the petition, a minimum of one sign must be provided for each proposed district. The location, number and content of such signs must be approved by the building department prior to installation.

- (2) *Sign orientation.* Rezoning signs shall be displayed at 45-degree angles to the road right-of-way, to maximize visibility to drivers approaching from both sides of the road, as illustrated:



- (3) *Notice requirements.* Sign lettering shall be black on a white background. Wording on the signage shall be as follows:



- (4) *Structure.*
- Size: minimum four feet (vertical) by minimum six feet (horizontal).
  - Height: minimum six feet above grade (including posts).
  - Sign facing must be exterior plywood, aluminum, or similar material.
  - Sign support system must be structurally sound.

Rezoning signage must be removed within seven days of final action on the petition by the township board, or within seven days of withdrawal of the petition by the applicant. Failure to remove signage within this period may result in such removal by the township at the applicant's expense.

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- C. *Action by the planning commission and township board.*
1. Following the hearing on the proposed amendment, the planning commission shall make written findings of fact which it shall transmit to the township board, together with the comments made at the public hearing, the comments from the county planning commission, and its recommendations.
  2. The township board may hold additional hearings if the board considers it necessary. Pursuant to Michigan Public Act 110 of 2006, as amended, the township board may by majority vote of its membership:
    - a. Adopt the proposed amendment;
    - b. Reject the proposed amendment; or
    - c. Refer the proposed amendment back to the planning commission for further recommendation within a specified time period. Thereafter, the township board may either adopt the amendment with or without the recommended revisions, or reject it.
- D. *Submission to county planning commission.* Following the hearing, the petition shall be submitted to the Oakland County Planning Commission for review and recommendation. If a recommendation from the county planning commission has not been received within 30 days, it shall be presumed that the county has waived its right for review and recommendation.
- E. *Review considerations.* The planning commission and township board shall at minimum, consider the following before taking action on any proposed amendment:
1. Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
  2. Will the proposed amendment further the comprehensive planning goals of the township?
  3. Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
  4. Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
  5. Will the amendment result in unlawful exclusionary zoning?
  6. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
  7. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
  8. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
  9. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
- F. *Notice of record of amendment adoption.* Following adoption of an amendment by the township board, one notice of adoption shall be filed with the township clerk and one notice shall be published in newspaper of general circulation in the township within 15 days after adoption, in accordance with Section 401(7) of Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the township clerk and the building department. A master zoning map shall be maintained by the building department, which shall identify all map amendments by number and date.

(Ord. No. 06-10, pt. II, 10-4-2010; Ord. No. 03-12, pt. 2.C., 8-6-2012; Ord. No. 12-19, § 1, 1-6-2020)

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## Section 9.04. Referendum.

Within 30 days following the passage of the Zoning Ordinance, a petition signed by a number of qualified and registered voters may be filed with the township clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with Section 402 of Michigan Public Act 110 of 2006, as amended.

## **ARTICLE 10.00 PERMITS AND CERTIFICATES**

### Section 10.01. Permits.

#### A. *Scope of requirements.*

##### 1. *Permit required.*

a. Building permit or other appropriate permit shall be required as follows:

- (1) Prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure.
- (2) Prior to the installation, extension, or replacement of plumbing, electrical, drainage, or similar utility systems.
- (3) Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
- (4) Prior to any change in use of an existing building or structure to a different class or type.

2. *Definition of alteration and repair.* For the purposes of this section, the terms "alteration" and "repaired" shall include any changes in structural parts, stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the building code, the Housing Law of Michigan (Public Act 167 of 1917, as amended), or this Ordinance or other applicable ordinances of the township.

B. *Application requirements.* No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted, showing that the proposed improvements are in conformance with the provisions of this Ordinance and with the building code.

Applications for permits required by this section shall be filed with the building official. Each application shall be accompanied by a written detailed explanation of the proposed improvements, and, if applicable, dimensioned plans drawn to scale. The plans shall be of sufficient detail official to determine whether the proposed improvements are in conformance with this Ordinance, the building code, the State Construction Code Act (Michigan Public Act 230 of 1972, as amended), and other applicable laws and ordinances. At minimum, the plans shall illustrate the following:

1. The shape, location, and dimensions of the lot.
2. Existing buildings or structures, plus the shape, size, and location of all buildings or structures to be erected, altered or moved.
3. The existing and intended use of the parcel and all existing and proposed buildings or structures.
4. On residential parcels, the number of dwelling units contained within each building.
5. The names and widths of abutting roads and road rights-of-way.

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6. The name and address of all persons having a freehold interest in the premises upon which the improvements are proposed, together with a written statement from all such persons indicating knowledge of and agreement with the proposal.
  7. All information required by the building code.
  8. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance will be complied with.

A site plan submitted and approved in accordance with article 5.00 shall satisfy the requirements of this section.

C. *Conformity with applicable ordinances and approved plans.*

1. Permits shall be issued only if, after thorough inspection of the application materials and plans, the building official finds that the proposal is in conformance with this Ordinance, the State Construction Code Act, Michigan Public Act 230 of 1972, as amended, and other applicable laws and ordinances, except where the building official receives written notice of a variance having been granted by the zoning board of appeals or construction board of appeals.
2. Building permits issued on the basis of plans and application materials approved by the building official authorize only the use, layout, and construction set forth in such plans and application materials. Use, layout, or construction at variance with approved plans and application materials shall be deemed in violation of this Ordinance, and subject to penalties in accordance with article 11.00. These provisions shall not preclude minor modifications, subject to the provisions in subsection 5.04.J.

D. *Expiration of permits.* A permit issued pursuant to the provisions of this Ordinance shall expire 90 days from the date of issuance if the proposed work has not begun. The building official shall mail or deliver written notice that the permit has been cancelled to the applicant.

A permit issued pursuant to the provisions of this Ordinance shall expire 18 months from the date of issuance if the proposed work has not been substantially completed. The building official shall mail or deliver written notice to the applicant indicating that:

1. The permit has been cancelled; and
2. Work shall not proceed until a new building permit has been obtained.

E. *Inspection of completed work.* The holder of any permit issued pursuant to the requirements in this section shall notify the building official immediately upon completion of the work authorized by the permit for a final inspection and to request a certificate of occupancy.

## **Section 10.02. Certificates of occupancy.**

A certificate of occupancy shall be required prior to occupancy of use of any land, building or structure. The following guidelines shall apply to certificate of occupancy:

A. *General requirements.*

1. *Purpose.* The purpose of a certificate of occupancy is to permit the occupancy or use of land, buildings, or structures, upon first making the determination that the provisions of this Ordinance have been complied with and that all outstanding fees have been paid.
2. *Certificates for new and existing buildings.* Certificates of occupancy shall be issued for new or existing buildings or structures, or parts thereof, or existing or new uses of land if, after inspection, the building official finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of this Ordinance, and that provided further that the proposed occupancy is fully in compliance with this Ordinance.



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3. *Temporary certificates.* A temporary certificate of occupancy may be issued for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance and the building code, and provided further that no threat to public safety exists. The building official may require that a performance guarantee be provided in accordance with article 17.00 as a condition of obtaining a temporary certificate. The date of expiration shall be indicated on the temporary certificate; failure to obtain a final certificate of occupancy within the specified time shall constitute a violation of this Ordinance, subject to the penalties set forth in article 11.00.
  4. *Certificates for accessory buildings to dwellings.* Buildings and structures that are accessory to a dwelling shall not require a separate certificate of occupancy, but may be included in the certificate of occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.
- B. *Period of validity.* A final certificate of occupancy shall remain in effect for the life of the building or structure, or part thereof, or use of the land, until the use of the building, structure, or land changes. A change of use shall require a new certificate of occupancy.
  - C. *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the building official. Copies of such certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.
  - D. *Application requirements.*
    1. Application for a certificate of occupancy shall be made on forms supplied by the building official and accompanied by the fees specified. A certificate of occupancy shall be applied for at the same time as the application for a building permit, if a building permit is required.
    2. The building official shall inspect a building or structure within five working days after notification of completion of a building or structure or other improvements. The building official shall issue a certificate of occupancy upon finding that the building or structure, or part thereof, or the use of land is in conformance with the provisions of this Ordinance. If the building official denies approval of a certificate, the applicant shall be notified in writing of the denial and the reasons for denial.

## **ARTICLE 11.00 VIOLATIONS AND PENALTIES**

### **Section 11.01. Public nuisance.**

Buildings erected, altered, razed or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

### **Section 11.02. Violation.**

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of this Ordinance by the building official or other enforcement official, shall be deemed in violation of this Ordinance.

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### **Section 11.03. Penalties.**

- A. Any violation of this Ordinance shall constitute a municipal civil infraction and shall be punishable as provided in section 1-11 of the Lyon Township Code of Ordinances. Each day a violation occurs or continues shall constitute a separate offense.
- B. Furthermore, the owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation of this Ordinance may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.
- C. The imposition of any sentence shall not exempt the offense from compliance with the requirement of this Ordinance.

(Ord. No. 13-15, pt. 2, 10-5-2015)

### **Section 11.04. Authority to pursue court action.**

The township board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the circuit court, or any other court having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the township board in such a suit to abate the violation.

### **Section 11.05. Other remedies.**

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy, or abate such noncompliance.

### **Section 11.06. Rights and remedies preserved.**

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or nor prevent any further prosecution of violations of this Ordinance.

## ***ARTICLE 12.00 GENERAL PROVISIONS***

### **Section 12.01. Administrative regulations.**

- A. *Scope of regulations.* No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a certificate of occupancy for the use for which the building was originally designated, subject thereafter to the provisions of article 13.00 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

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B. *Minimum requirements.* The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity and general welfare.

C. *Relationship to other ordinances or agreements.* This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

D. *Vested right.* Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

E. *Continued conformity with yard and bulk regulations.*

1. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.
2. No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

F. *Division and consolidation of land.* The division and consolidation of land shall be in accordance with the Subdivision Ordinance of the Charter Township of Lyon, as amended. No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale conform with all regulations of the zoning district in which the property is located.

G. *Unlawful buildings, structures, site designs and uses.* A building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

H. *Voting place.* The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

## **Section 12.02. Allowable and prohibited uses.**

A. *Allowable uses.* Only the following uses of land, buildings and structures shall be allowed in the township:

1. Uses lawfully established on the effective date of this Ordinance.
2. Uses for which a building permit has been issued in accordance with section 10.01.
3. Permitted uses in the applicable zoning districts, subject to the requirements specified.
4. Special uses in the applicable zoning districts, subject to the conditions and requirements specified.
5. Temporary uses, subject to the requirements in section 12.06.

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- B. *Prohibited uses.* The following uses, as defined in section 3.02, shall not be allowed anywhere in the township:
1. Medical marijuana growers and grow facilities.
  2. Medical marijuana processors.
  3. Medical marijuana provisioning centers and dispensaries.
  4. Medical marijuana safety compliance facilities.
  5. Medical marijuana secure transporters.
  6. Medical marijuana cooperatives.
  7. Medical marijuana compassion clubs.
  8. Establishments pursuant to Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as may be amended.
  9. Uses and structures that are not expressly permitted in this Ordinance are prohibited.

(Ord. No. 03-10, pt. II, 7-6-2010; Ord. No. 03-16, pt. 3, 3-9-2016; Ord. No. 07-17, § 2, 12-4-2017; Ord. No. 02-19, § 2, 3-4-2019)

### **Section 12.03. Lawful use of a structure as a dwelling unit.**

- A. *Incompletely constructed structures.* Any incompletely constructed structure which does not meet the requirements of the building code or this Ordinance shall not be issued a certificate of occupancy and shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. The restrictions shall not prevent temporary use of structure as a residence in accordance with section 12.06.
- B. *Caretaker residence.* No dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman or caretaker. Any such living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker.

### **Section 12.04. Residential design standards.**

Any residential structure, including manufactured dwellings and mobile homes not located in mobile home parks, shall be erected or constructed only if in compliance with the following residential design standards:

- A. *General requirements.*
1. *Area and bulk regulations.* Any residential structure, including any mobile home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Mobile homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.
  2. *Foundation.* Any principal or accessory residential building, including a mobile home, shall be placed on a permanent foundation in accordance with the adopted building code of the township. A foundation is not required for one-story detached residential accessory structures if the floor area does not exceed 200 square feet. A mobile home shall be securely anchored to its foundation to prevent displacement during windstorms. The wheel, tongue and hitch assembly,

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and other towing appurtenances shall be removed before attaching a mobile home to its permanent foundation.

3. *Other regulations.* Residential structures shall be constructed in compliance with applicable state, federal or local laws or ordinances. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24cFR3280), as amended.
  4. *Floodplain.* No dwelling unit, including mobile homes, shall be located within a 100-year floodplain.
  5. *Use.* Mobile homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.
  6. *Attachments.* Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code of the township.
  7. *Street address numbers.* New residential structures shall be provided with street address numbers, which shall be at least four inches in height, visible from the street, and located where they will be illuminated.
- B. *Requirements applicable to mobile homes.* Mobile homes or manufactured dwelling units erected outside of mobile home parks after the effective date of this Ordinance shall comply with the general requirements set forth previously in subsection 12.04.A, and with the following regulations:
1. *Design features.* The design and position of windows and other features of mobile homes and manufactured dwellings, including exterior wall colors and color combinations, shall be similar to site-built homes within 300 feet of the mobile home property boundaries. If no more than one site-built dwelling is presently located within 300 of the proposed location, then the mobile home or manufactured dwelling shall be compared to the nearest 50 site-built homes.
  2. *Roof pitch.* The pitch of the main roof shall have a minimum vertical rise of one foot for each four feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten feet, except where the specific housing design dictates otherwise (ie., French provincial, Italianate, etc.). The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.
  3. *Exterior materials.* The exterior siding of a mobile home or manufactured dwelling shall consist of materials that are generally acceptable for site-built housing, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel; and provided further, that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
  4. *Dimensions.* The dimensions and placement of mobile homes or manufactured dwellings shall be comparable to typical dimensions and placement of site-built housing in the vicinity. Therefore, a mobile home or manufactured dwelling shall be located on the lot so that the minimum width of the front elevation is no less than 34 feet and the minimum dimension along any side or rear elevation is no less than 24 feet. If there are any extensions or additions off of the front of the mobile home or manufactured dwelling, the minimum width of any such secondary front elevation shall be 24 feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the mobile home or manufactured dwelling, such as living or recreation rooms, garages, carports, utility rooms, and the like, the front portions of which are within ten feet of the front of the main body of the mobile home or manufactured dwelling.

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5. *Roof overhang.* Mobile homes and manufactured dwellings shall be designed with either a roof overhang of not less than six inches on all sides or with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.
  6. *Exterior doors.* Mobile homes and manufactured dwellings shall have not less than two exterior doors which shall not be located on the same side of the building.

(Ord. No. 04-13, pt. 4, 11-4-2013; Ord. No. 03-17, pt. 2, 6-5-2017)

### **Section 12.05. Home occupations.**

- A. *General requirements.* Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following standards, unless otherwise specified elsewhere in this Ordinance:
  1. Home occupations must be clearly incidental to the use of the dwelling as a residence.
  2. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
  3. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
  4. Only the residents of the dwelling unit may be engaged in the home occupation.
  5. The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. No more than ten customers or clients shall come to the dwelling unit for services or products during any one day. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
  6. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
  7. No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, trash removal, etc.) such that the combined total use for the dwelling unit and home occupation exceeds by more than ten percent the average for the residence itself, measured over the previous 12-month period.
  8. One non-illuminated nameplate, not more than one square foot in area, shall be permitted. Said sign shall be attached flat to the building wall, and shall display only the name and occupation of the resident on the premises.
  9. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly zoned residential district.
  10. A single-family residence may be used by an occupant of that residence to give instruction in a craft or fine art as a home occupation within the residence, subject to regulations set forth in this section, in accordance with Public Act 110 of 2006, as amended, regardless of the zoning district in which the residence is located.
  11. The following uses, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations (unless otherwise permitted subject to special approval):

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- Medical clinics and hospitals.
  - Offices maintained for the general practice of a veterinarian, doctor, lawyer, accountant, insurance agent, or real estate agent. The private offices of these professionals shall be permitted, provided that the residence is used only for consultation, emergency treatment, or business matters that can be carried on by the professional alone.
  - Millinery shops.
  - Animal hospitals or commercial kennels.
  - Vehicle and engine repair businesses.
  - Antique shops.
  - Barber shops and beauty parlors.
  - Private clubs.
  - Landscape installation and maintenance businesses, including lawn mowing businesses.
  - Snow plowing and/or removal businesses.
  - Concrete, excavation, or similar contractors.
  - Trailer rental.
  - Restaurants and tea rooms.
  - Repair shops and service establishments.

This list does not include every use that is prohibited as a home occupation.

## **Section 12.06. Temporary structures and uses.**

A. *General requirements.* Temporary buildings and structures shall comply with the following requirements:

1. *Temporary structures used for residential purposes.* A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the police, fire and building officials.

Also, a mobile home or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:

- a. Such permits may be issued by the building official for up to six months in duration and may be renewed for periods of up to six months, provided that work is proceeding in an expeditious manner.
- b. The total duration of a temporary permit shall not exceed 24 months.
- c. Temporary structures shall comply with the setback standards for the district in which they are located.
- d. The building official shall approve electrical and utility connections to any temporary structure.
- e. An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.

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- f. The applicant shall furnish the township with a performance guarantee in the amount of \$500.00 to assure removal of the temporary structure.
  2. *Temporary structures used for nonresidential purposes.* Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the building official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.
  3. *Permits.* Permits for the utilization of temporary structures shall be issued by the building official. The permit shall specify a date for the removal of the temporary structure, and the building official may require posting of a bond to insure removal. A certificate of occupancy shall be required for such structures.
  4. *Use as an accessory structure.* A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

### **Section 12.07. Uses not otherwise included within a district.**

- A. *General requirements.* A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the planning commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the planning commission shall consider the following:
  1. *Determination of compatibility.* In making the determination of compatibility, the planning commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
  2. *Conditions by which use may be permitted.*
    - a. If the planning commission determines that the proposed use is compatible with permitted and existing uses in the district, the commission shall then decide whether the proposed use shall be permitted by right, as a special or conditional use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The planning commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.
    - b. No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

### **Section 12.08. Yard and bulk regulations.**

- A. *General regulations.* All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:
  1. *Minimum lot size.* Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.

No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.



2. *Number of principal uses per lot.* Only one principal building shall be placed on a lot of record or parcel in single-family residential districts. In a single-family site condominium project, only one principal building shall be placed on each condominium lot, as defined in article 3.00.
3. *Projections into required yards.* Fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards:

**PERMITTED PROJECTIONS INTO REQUIRED YARDS**

<b>Projection</b>	<b>All Yards</b>	<b>Rear Yard</b>	<b>Interior Side Yard</b>	<b>Corner Side Yard</b>	<b>Court Yard</b>
Access driveways, sidewalks, patios, and other flatwork, provided it does not exceed 6 inches above grade <sup>1</sup>	X	—	—	—	—
Animal enclosures for household pets, dog runs <sup>2</sup>	—	X	—	—	—
Arbors and trellises	X	—	—	—	—
Awnings and canopies projecting into 10 percent or less of yard depth	X	—	—	—	—
Bay windows <sup>3</sup>	X	—	—	—	—
Decks, open or enclosed <sup>4</sup>	—	X	—	—	—
Eaves, overhanging <sup>3</sup>	X	—	—	—	—
Fences*	X	—	—	—	—
Fireplace chimneys, including cantilevers <sup>5</sup>	—	X	X	—	—
Flagpoles	X	—	—	—	—
Gardens	X	—	—	—	—
Gutters	X	—	—	—	—
Hedges	X	—	—	—	—
Holiday decorations	X	—	—	—	—
Laundry drying equipment	—	X	X	—	—
Light standards, ornamental*	X	—	—	—	—
Mechanical equipment incidental to a residential use, such as air conditioning unit, heat pump, generator, or pool equipment <sup>2</sup>	—	X	X	X	X
Parking, off-street*	X	—	—	—	—
Paved terraces and open porches <sup>7*</sup>	—	X	—	—	—
Approved signs*	X	—	—	—	—

Stairways, open unroofed	X	—	—	—	—
Steps	X	—	—	—	—
Television or radio towers or antennas	—	X	X	X	—
Trees, shrubs, and flowers	X	—	—	—	—
Walls (see Fences)*	X	—	—	—	—
Window air conditioning units	X	—	—	—	—
Window wells <sup>6</sup>	—	X	X	—	—
Yard ornaments and statuary	X	—	—	—	—
x = Permitted					
* See additional regulations in this Ordinance.					

Notes related to table:

1. *Access drives and sidewalks.* An access drive may be placed in a required front, or side, or rear yard so as to provide access to rear yards or accessory or attached structures on the property. Further, a sidewalk, or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is not higher than six inches above grade. All such paved surfaces shall be set back a minimum of 12 inches from any property line.
  2. *Animal enclosures, dog runs, mechanical equipment.* Animal enclosures for pets, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that could produce noise, odors or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where window or doors would be exposed to the nuisance. Animal enclosures, dog runs, and mechanical equipment shall be set back a minimum distance of ten feet from property lines.
  3. *Architectural features.* Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend into any front or rear yard not more than 24 inches.
  4. *Open and covered decks.* Open decks may project into a required rear yard, provided that the unoccupied portion of the rear yard has a depth of at least ten feet. Covered decks may project into a required rear yard, provided that the unoccupied portion of the rear yard has a depth of least 25 feet and the covered deck is not enclosed.
  5. *Fireplace chimneys.* Fireplace chimneys, including cantilevers, may encroach up to two feet into a required rear yard and up to two feet into a required interior side yard, provided the chimney is at least six feet from the property line.
  6. *Window wells.* Window wells may encroach into a required rear yard and into a required interior side yard provided that the window well is at least six feet from the property line.
  7. *Uncovered paved terraces, patios, and porches.* Uncovered paved terraces, patios, and porches with a paved surface not exceeding six inches above grade may encroach into a required rear yard, provided that the unoccupied portion of the rear yard has a depth of at least ten feet. Uncovered paved terraces, patios, and porches with a paved surface greater than six inches above grade shall be regulated in accordance with footnote 4, above.
4. *Unobstructed sight distance.*
- a. No fence, wall, structure, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway (see diagram). Fences, walls, structures, or plantings

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located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and six feet above the lowest point of the intersecting road(s).

- b. Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet from the edge of any driveway or road pavement within the triangular area.
- c. *Unobstructed sight area.* The unobstructed triangular area is described as follows:
  - The area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being 40 feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides; or
  - The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being ten feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

The unobstructed sight vision area in the New Hudson Zoning District shall include the area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being 25 feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides; or

The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being ten feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

- 5. *Lots adjoining alleys.* In calculating the area of a lot that adjoins an alley for the purposes of applying lot area and setback requirements, one-half of the width of said alley shall be considered a part of the lot.
- 6. *Utilities, rights-of-way and easement.* No portion of any newly created residential lot that is one acre or less in area which is located in a subdivision plat or a condominium plat shall be occupied by an easement or right-of-way for a high pressure gas line (60 psi or greater), a petroleum line, or a high voltage electric transmission line (100 kV or greater).

(Ord. No. 03-12, pt. 2.D., 8-6-2012; Ord. No. 03-17, pt. 3, 6-5-2017; Ord. No. 190-18, § 1, 5-7-2018; Ord. No. 197-18, § 1, 7-2-2018)

## **Section 12.09. Streets, roads, and other means of access.**

- A. *Intent.* Unimpeded, safe access to parcels of land throughout the township is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety and welfare of the public. Minimum standards and specifications are required for private roads to assure safe to private property. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet these intentions.
- B. *Public access required.* The front lot line of all lots shall abut onto a publicly dedicated road right-of-way or onto an approved private road which complies with the requirements set forth herein. The required frontage on an approved road right-of-way or easement shall be equal to or greater than the minimum lot width for the district in which the lot is located, as specified in article 36.00; except that the minimum frontage of lots that abut the turnaround at the end of a cul-de-sac shall be equal to or greater than 50 percent of the minimum lot width. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line (see drawing). Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements. No person shall

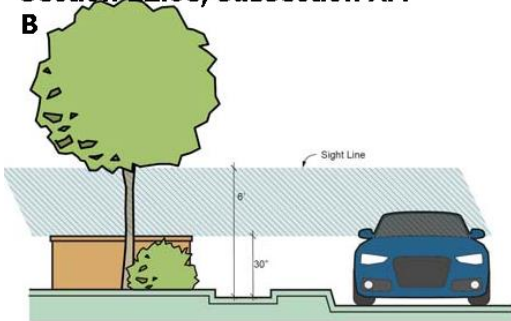
construct, alter, or extend a private road unless in compliance with these requirements and the requirements of the private road ordinance.

**UNOBSTRUCTED SIGHT DISTANCE**

**Frontage**

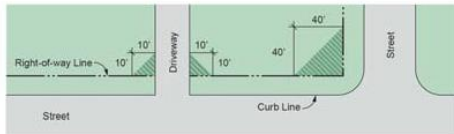
**Section 12.08, subsection A.4**

**B**



**Clear Vision Area**

Maximum Height 30" for Shrubs and Other Landscape Features



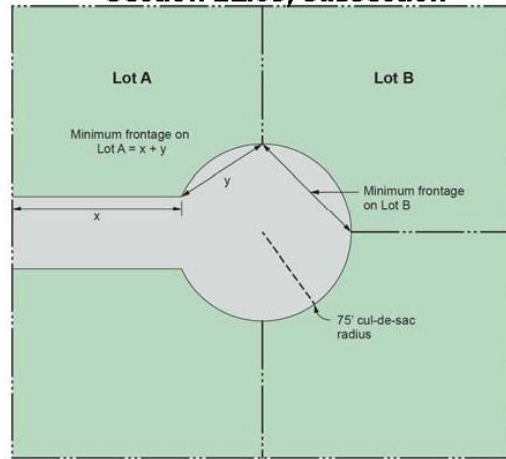
**Clear Vision Area**

- C. **Road and driveway dimensions.** Roads and driveways shall comply with the pavement width and curb and gutter requirements set forth in the following table. Roads and driveways shall comply with the applicable township engineering standards, the private road ordinance, and the current requirements of the Road Commission for Oakland County. All private roads serving non-residential parcels shall be designed to meet the requirements for public roads of the Road Commission for Oakland County.

<b>Single-Family Detached Residential (Plat, Site Condominium, Lots Created Through Lot Splits)</b>	
Single-family detached lots meeting standard R-1.0 minimum lot width	24 ft. pavement, 2-foot gravel shoulders, open drainage
Single-family detached lots with lot width less than standard R-1.0 minimum	24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb)
Residential collector street <sup>2</sup>	31 ft. pavement with curb and gutter, parking on one side only, or 24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb), no parking
Driveways to individual lots in plat or site condominium	9 ft. pavement
Driveways to individual lots not within a plat or site condominium	If lot is located on a paved public road: 9 ft. gravel or paved; driveway approach (from road to property line) must be paved.  If lot is located on gravel public road: 9 ft. gravel or paved.
<b>Single-Family Attached (Townhouse or Cluster)</b>	

**Measurement of Lot**

**Section 12.09, subsection**



**Lot Frontage Measurement**

Roads throughout the development, the road must comply with Road Commission of Oakland County standards.	24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb)
Entrance road <sup>3</sup>	24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb)
Driveways to individual units	9 ft. pavement
<b>Multiple-Family Residential</b>	
Roads throughout the development	24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb)
Roads or driveways within a parking area	See section 14.01
Entrance road <sup>3</sup>	24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb)
<b>Commercial and Office Development</b>	
Public or private road serving 2 or more parcels (i.e., office park)	24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb)
Main access driveways and internal circulation truck routes	31 ft. pavement, curb and gutter <sup>4</sup>
Roads or driveways within a parking area	See section 14.01
Entrance road <sup>3</sup>	31 ft. pavement, curb and gutter
Internal circulation routes not used by trucks	24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb)
<b>Industrial Development</b>	
Public or private road serving 2 or more parcels (i.e., industrial park)	31 ft. pavement, curb and gutter;
Main access driveways and internal circulation routes for industrial development:	
• for 3 buildable parcels of 2 acres or less	24 ft. pavement, curb and gutter (27 ft. back-of-curb to back-of-curb), no parking <sup>4</sup>
• all others	31 ft. pavement, curb and gutter <sup>4</sup>
Roads or driveway within a parking area	See section 14.01
Entrance road <sup>3</sup>	31 ft. pavement, curb and gutter
Internal circulation routes not used by trucks	24 ft. pavement, curb and gutter <sup>4</sup> (27 ft. back-of-curb to back-of-curb)
<b>Mobile Home Parks</b>	
All roads	See section 19.03 subsection C
<b>Miscellaneous</b>	
Boulevard entrances with median (not public)	18 ft. pavement with curb and gutter in each direction. Minimum width of median: 16 ft.
"T" Turnaround <sup>4</sup>	Shall meet the requirements of the International Fire Code and approval of the fire marshal.
Cul-de-sac	The minimum right-of-way or easement radius for the cul-de-sac turnaround shall be 75 feet. The road pavement shall be centered at a radius of 50 feet. The maximum length of a cul-de-sac is described in the private road ordinance, measured from the centerline of the street to the center point of the cul-de-sac turnaround, subject to RCOC and public safety approval.

Secondary access roads	20 ft. pavement, minimum 30 ft. setback from edge of parallel public road.
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**Footnotes:**

<sup>1</sup> Road standards do not apply to roads serving a plat or site condominium, which are subject to the design requirements in the township's subdivision regulations.

<sup>2</sup> A residential collector street is a street which collects and distributes traffic between other lower-order residential streets and higher-order streets or major activity centers. A residential collector street typically carries between 1,000 and 3,000 vehicles per day.

<sup>3</sup> The entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within the development.

<sup>4</sup> "T" turnarounds shall only be used at the end of the stub streets that have no dwelling units fronting on them. A cul-de-sac shall be constructed at the end of all dead-end private or public roads, regardless of whether the roads are expected to be extended in the future.

- D. *Access across residential district land.* No land which is located in a residential district shall be used for a driveway, walkway, or access purposes to any land which is located in a nonresidential district, unless such access is by way of a public road.
- E. *Private roads or streets.* Lots may be created with frontage on approved private roads provided that such lots conform to all requirements of the district in which the land is located, and provided further, that the lots shall not be created until an easement and easement maintenance agreement for the private road have been created and recorded in accordance with the standards set forth in the township private road ordinance. No construction shall be permitted on lots which have frontage only onto undeveloped private road easements. Construction may be permitted on such lots upon development of the private road in full compliance with the private road ordinance.
- F. *Service roads.* If the planning commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the commission may permit or require construction of service roads across abutting parcels and generally parallel to the arterial street to allow traffic to circulate from one parcel to another without re-entering the public road. The front edge of any such secondary access drive shall be located no closer to the road than the future right-of-way line. Such secondary access drive shall conform to the minimum specifications for private roads as set forth previously.  
  
Also, in anticipation of the need for such secondary access drives in the future, the planning commission may require, as a condition of site plan approval, granting of an easement to allow future vehicular access from adjoining properties.
- G. *Performance guarantee.* To assure completion of a private road or service road in conformance with the requirements set forth herein, the building official may require the applicant or owner to provide a performance guarantee, in accordance with article 17.00.

(Ord. No. 10-16, pt. 3, 11-9-2016; Ord. No. 07-20, § 1, 8-5-2020)

**Section 12.10. Grading regulations.**

All requirements for grading regulations, requirements, plans, standards, review inspection and approval procedures shall be governed by the Lyon Code of Ordinances, chapter 15, Design and Construction Standards, article VI, Grading.

(Ord. No. 12-15, pt. 2, 10-5-2015)

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## Section 12.11. Lighting.

- A. *Intent.* The regulations in this section are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons; prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste; and permit and encourage the use of lighting that complements and enhances the rural environment and natural features of the township.
- B. *Definitions.* Words and phrases used in this section shall have meaning set forth below. Words and phrases not defined herein but defined in article 1.00 shall be given the meanings set forth in article 1.00. All other words and phrases shall be given their common, ordinary meaning, unless context clearly requires otherwise.

*Bulb (or lamp):* The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). Lamp is often used to denote the bulb and its housing.

*Disability glare:* An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.

*Filtered fixture:* A light fixture that has a glass, acrylic, or translucent enclosure to filter the light.

*Fixture:* The assembly that holds the lamp in a lighting system. The fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), ballast, housing, and the attachment parts.

*Floodlight:* A fixture or lamp designed to flood an area with light.

*Footcandle:* A measure of light intensity; the level of illuminance produced on a surface one foot from a uniform point source of one candela, or, when one lumen is distributed into an area of one square foot.

*Fully shielded fixture:* An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.

*High pressure sodium (HPS) lamp:* High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr).

*Incandescent lamp:* A lamp that produces light by a filament heated to a high temperature by electric current.

*Laser source light:* An intense beam of light, in which all photons share the same wavelength.

*LED light:* A light fixture that uses a light-emitting diode, which is a semi-conductor diode that emits light when conducting electrical current.

*Light trespass:* Light falling where it is not wanted or needed (also called spill light).

*Low pressure sodium (LPS) lamp:* A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). A LPS lamp produces monochromatic light.

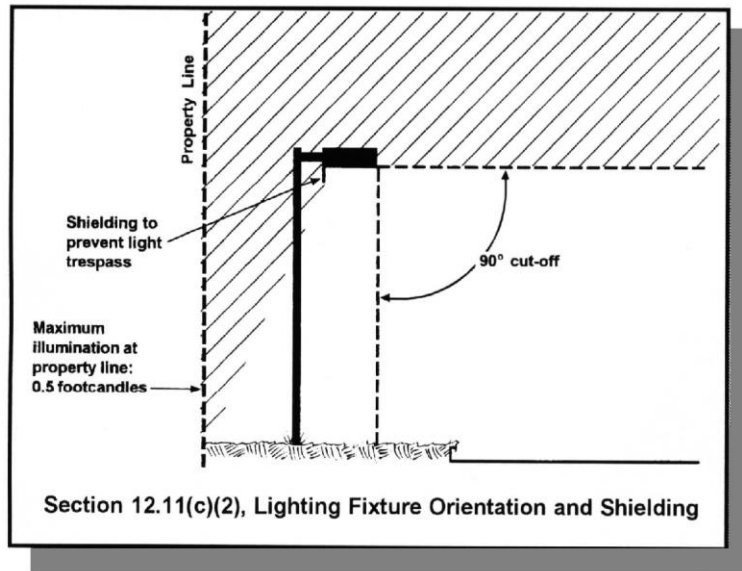
*Luminaire:* The complete lighting unit, including the lamp, fixture, and other parts.

*Lux:* A measure of light intensity. One lux is one lumen per square meter. One footcandle is one lumen per square foot.

*Mercury vapor lamp:* A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.

*Metal halide lamp:* A high-intensity discharge mercury lamp where the light is produced by radiation from metal-halide vapors.

*Nonessential lighting:* Outdoor lighting which is not required for safety or security purposes.



*Recessed canopy fixture:* An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

C. *General requirements.*

1. *Minimum illumination.* Sufficient lighting, as specified in the following table, shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure the security of property and safety of persons.

Location	Recommended Level of Illumination (Footcandles)
Parking Areas (nonresidential)	0.2
Loading Areas	0.4
Sidewalks Residential Areas	0.2
Sidewalks Commercial Areas	0.9
Building Entrances Infrequent Use	1.0
Building Entrances Active Use	5.0

For locations other than those identified in the above table, sufficient lighting shall be based on recommendations in the most recent edition of the "Illuminating Engineering Society of North America (IESNA) Lighting Handbook."

2. *Fixture orientation and shielding.* Lighting fixtures shall be focused downward and shall be fully shielded to prevent glare and sky glow and to minimize light trespass onto adjoining properties. Full cut-off fixtures shall be used to prevent light from projecting above a 90 degree horizontal plane (see illustration).
3. *Nonessential lighting.* Nonessential lighting shall be turned off after business hours, leaving only that lighting that is necessary for site security. Proposed security lighting shall be identified on the site plan.



4. *Light trespass at property line.* Light trespass from a property shall not to exceed 0.5 footcandles at the property line, measured five feet from the ground.
5. *Uplighting.* Uplighting of buildings for aesthetic purposes shall be confined to the target surface as much as possible to prevent sky glow.
6. *Canopy lights.* Light fixtures mounted on the underside of a canopy or similar structure shall be fully recessed into the canopy ceiling so that the bottom of the fixture and the lens are flush with the canopy ceiling. The total initial lamp output under a canopy shall not exceed 40 lumens per square foot of canopy.

D. *Permitted lighting sources and shielding requirements.* Outdoor lighting shall comply with the following use and shielding requirements:

Lamp Type	Permitted Use	Shielding Requirement
High Pressure Sodium; Low Pressure Sodium; LED	Street lighting; parking and security areas; sports parks, tennis courts; residential or agricultural security lighting	Fully
Metal Halide (filtered and in enclosed luminaries only)	Signage, display and sports lighting, where color rendering is critical	Fully
Fluorescent (warm white or natural lamps preferred)	Residential lighting, internal sign lighting (see section 7.06, subsection B)	None
Incandescent, more than 100 watts	Sensor activated residential lighting	None
Incandescent, 100 watts or less	Porch lighting and other residential uses	None
Glass tubes filled with neon, argon, or krypton	Display/advertising	None

E. *Height.*

1. Lighting fixtures on parcels used for nonresidential purposes shall not exceed a height of 22 feet measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven feet above ground level.
2. The planning commission may modify these height standards in commercial and industrial districts, based on consideration of the following: The position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting exceed the maximum permitted building height in the district in which it is located.

F. *Sign lighting.* Illuminated signs shall comply with the regulations set forth in article 16.00.

G. *Prohibited lighting.*

1. *Recreational facility lighting.* No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity in progress prior to 11:00 p.m.

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2. *Outdoor building and landscaping lighting.* Unshielded illumination of the exterior of a building or landscaping is prohibited except with incandescent fixtures having lamps of 100 watts or less.
  3. *Mercury vapor and wall pack lighting.* The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.
  4. *Laser source light.* The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
  5. *Searchlights.* The operation of searchlights for advertising purposes is prohibited between 10:00 p.m. and sunrise the following morning.
- H. *Exceptions.* The following exterior lighting shall be exempt from the regulations in this section 12.11:
1. *Fossil fuel light.* Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).
  2. *Temporary carnival and civic uses.* Lighting for a permitted temporary circus, fair, carnival, or civic uses is exempt from the provisions of this section.
  3. *Construction and emergency lighting.* Lighting necessary for construction or emergencies is exempt from the provisions of this article; provided that, said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.
  4. *Special conditions.* Additional exception may be permitted, subject to site plan review, and upon finding that unique or special conditions on the site warrant the exception.
  5. *Low illuminance lights.* The shielding requirements specified herein shall not apply to incandescent lights of 100 watts or less.
  6. *Traditional or decorative fixtures.* The cut-off, orientation, and shielding requirements may be waived or modified for traditional-style or decorative lighting fixtures, upon making the determination that the fixtures will comply with the illumination levels specified herein, will not cause glare or interfere with the vision of motorists, and will be consistent with the spirit and intent of this Ordinance.
- I. *Application for a permit.*
1. Any person applying for site plan approval or for a building, electrical or sign permit to install outdoor lighting fixtures, whether for new or replacement lighting, shall submit evidence that the proposed work will comply with this section.
  2. The site plan or building, electrical, or sign permit application shall identify the location, type, height, method of mounting, and intensity of proposed lighting. If available, the manufacturer's catalog specifications and documents, drawings (including a photometric map showing proposed illumination levels on the site), and certified test reports shall be submitted. The information submitted shall be sufficiently complete to demonstrate compliance with ordinance requirements.

(Ord. No. 03-17, pts. 5, 6, 6-5-2017)

## **Section 12.12. Trash removal and collection.**

- A. *Standards for siting and screening of trash dumpsters.* Dumpsters may be permitted or required as accessory to any use other than single- and two-family residential uses, subject to the following conditions:
1. *Location.*
    - a. Dumpsters shall be located in a rear yard, provided any such dumpster shall not encroach on required parking area, is clearly accessible to servicing vehicles, and is located at least ten feet

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from any building. Dumpsters shall comply with the setback requirements for the district in which they are located.

- b. Dumpsters shall be located as far as practicable from any adjoining residential district.
2. *Concrete pad.* Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.
3. *Screening.* Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, vinyl or composite fencing, or earth mound, not less than six feet in height or at least one foot above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides. The opaque lockable gate shall not be wood.
4. *Vinyl or composite screening standards.* If vinyl or composite fencing is selected as the desired dumpster screening alternative, the following standards shall apply:
  - a. *Materials.* The vinyl or composite fencing material must be durable and approved by the planning commission. Wood is a prohibited dumpster fencing material.
  - b. *Posts.* Posts shall be set in concrete 42 inches below grade level. The posts must be three-inch diameter galvanized steel posts, concealed by the approved vinyl or composite material.
5. *Bollards.* Bollards (concrete-filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.
6. *Site plan requirements.* The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the planning commission.

(Ord. No. 199-18, § 1, 8-8-2018)

### **Section 12.13. Safety provisions.**

- A. *Public service access.* All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.
- B. *Fire protection.* All structures shall be provided with adequate fire protection, including adequate water supply for firefighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the township fire chief or building official.
  1. *Fire protection systems.* The fire chief or building official shall have the authority to require fire protection systems installed in any zoning district.
  2. *Site development standards.* To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:
    - a. If public water is available, water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate firefighting protection for all buildings and uses, subject to applicable codes and review by the township officials.
    - b. Prior to construction of buildings and other large structures, a hard surfaced roadbed shall be provided to accommodate access of heavy firefighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.

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- c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
  - d. The building permit holder shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the building official.
- C. *Excavations and holes.* Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the Oakland County Sheriff of their existence.
- D. *Building demolition.* Before a building or structure is demolished, the owner, wrecking company, or person who requests the demolition permit shall notify all utilities providing service to the building. A demolition permit shall not be issued until all utilities have provided notification that service has been property terminated.

#### **Section 12.14. Exceptions.**

- A. *Essential services.*
- 1. Essential services, as defined in article 3.00, shall be permitted as authorized and regulated by franchise agreements and federal, state and local laws and ordinances, it being the intention of this Ordinance to permit modification to regulations governing lot area, building or structure height, building or structure placement, and use of land in the township when strict compliance with such regulations would not be practical or feasible.
  - 2. Although essential services may be exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review and special land use review, it being the intention of the township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or essential operation of said services.
- B. *Exceptions to height standards.* The height limitations of this Ordinance shall not apply to chimneys, church spires, public monuments, wireless transmission towers, farm buildings, water towers, and flag poles; provided that the following requirements are complied with:
- 1. *Windmills.* The maximum height of windmills used for pumping water for farm uses (but not including pumping of stormwater) or for decorative purposes shall be 35 feet; provided that, the windmill is setback from all property lines a distance equal to the height of the windmill or the setback required by the zoning district, whichever is greater. Windmills used for pumping water for farm uses or for decorative purposes shall be located only in the rear yard in the R-1.0, residential - agricultural district.
  - 2. *Antennas in residential districts.* Private television antennas, pole antennas, and other private communication antennas or towers shall be permitted in residential districts as follows:
    - a. Antennas with a wind-resistance surface of seven square feet or less shall be located in the rear yard or on a rooftop; provided that the antenna tower is set back from all property lines a distance equal to the height of the tower. Such antennas shall comply with the height standards for the district in which they are located, except as hereinafter provided.
    - b. Antennas with a wind-resistance surface of over seven square feet shall be located in the rear yard only, and shall be subject to the setback and height standards for the district in which they

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are located. Any such antenna shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.

- c. Notwithstanding the above requirements, open element and monopole antennas shall be permitted in residential districts as follows:

District	Maximum Height	Total Wind Resistance Surface
R-0.3, R-0.5	45 feet	7 sq. ft.
R-1.0	60 feet	12 sq. ft.

Satellite dish antennae shall be subject to the regulations in Section 12.17.

3. *Antennas in nonresidential districts.* Antennas with a wind-resistance surface of seven square feet or less shall be permitted on the rooftop of any building or in the rear of a nonresidential district provided that the antenna complies with the height standard for the district in which it is located, and is obscured from view from adjacent properties and roads, to the maximum extent possible. A freestanding antenna may be located in the side yard if its visibility from adjacent properties is obscured.
4. *Variances.* Variances from height standards may be sought from the zoning board of appeals. In considering such a request, the zoning board of appeals shall be considered the character of the surrounding uses, the height of surrounding structures, the potential to obscure light or view to or from existing buildings or surrounding properties, and potential detriment to the use or value of surrounding properties.
5. *Public right-of-ways.* Utility poles, structures and wireless equipment in a public right-of-way are subject to the following regulations:
  - a. Utility poles and structures in a public right-of-way shall not be more than 40 feet in height above ground level.
  - b. Wireless equipment shall not extend more than five feet above the top of a utility pole or structure it is attached to in a public right-of-way.

(Ord. No. 03-13, pt. 3, 10-7-2013; Ord. No. 190-18, § 3, 5-7-2018; Ord. No. 200-18, § 2, 9-4-2018)

### Section 12.15. Sidewalks.

Sidewalks and bicycle paths shall be subject to the requirements in the adopted Township Bicycle Path and Sidewalk Ordinance, and the following regulations:

- A. *General Requirements.*
1. *[Sidewalks and bicycle paths required.]* Sidewalks and bicycle paths shall be required in the locations specified in the Bicycle Path and Sidewalk Ordinance (chapter 40, article II of the Code of Ordinances). In addition, sidewalks shall be required on both sides of the road in single family subdivisions and condominiums.
  2. *Location and width.* Required sidewalks shall be five feet in width and bicycle paths shall be ten feet in width. Sidewalks and bicycle paths shall generally be located one foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing right-of-way, in which case the sidewalk shall be located one foot inside the planned

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right-of-way. The planning commission may modify this requirement in consideration of the location of utilities, existing or proposed landscaping, or other site improvements.

3. *Design standards.* Sidewalks shall be constructed of concrete, and bicycle paths shall be constructed of asphalt, in accordance with established engineering standards for the township. Use of other materials shall be subject to township engineer approval.
4. *Alignment with adjacent sidewalks and bicycle paths.* Sidewalks and bicycle paths shall be aligned horizontally and vertically with existing sidewalks and bicycle paths on adjacent properties. The planning commission may modify this requirement if existing adjacent sidewalks or bicycle paths are not constructed in conformance with the standards set forth herein.
5. *Signage.* The planning commission may require the installation of signage for the purposes of safety where it necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it necessary to alert vehicular traffic of the presence of the sidewalks or bicycle paths.
6. *Maintenance.* The owner of the property that fronts on a sidewalk shall be responsible for maintenance of the sidewalk, including patching deteriorated or cracked pavement, snow removal, and removal of glass and other debris. Where a sidewalk or bicycle path located along a collector or arterial road adjoins a subdivision or condominium, maintenance shall be the collective responsibility of the property owners in the subdivision or condominium.
7. *Permits.* It shall be responsibility of the owner or developer to secure any required permits from the Road Commission for Oakland County or State of Michigan agencies to allow sidewalk or bicycle path construction in the right-of-way.

(Ord. No. 10-16, pt. 4, 11-9-2016)

## **Section 12.16. Fences.**

### **A. General requirements.**

1. *Fence materials.* Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Razor wire shall not be permitted. Fences which carry electric current shall be permitted only in conjunction with an agricultural use. Barbed wire may be permitted in nonresidential districts, provided that the barbed wire is at least six feet above the ground.
2. *Finished appearance.* If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
3. *Obstruction to use of adjoining property.* No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the building official may require a fence to be set back a minimum distance from a driveway or property line.
4. *Fence maintenance.* Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.
5. *Measurement.* The maximum height of fences shall be measured from ground level adjacent to the fence.
6. *Fences enclosing utility facilities.* It is necessary to control entry into facilities, stations, and yards housing public utilities in the interest of public safety and to protect resources that are vital to well-being of the general public. Consequently, utilities are permitted to fence their facilities as necessary,

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regardless of the zoning district in which the facilities are located, subject to administrative review and approval.

7. *Deed restriction, subdivision regulations, condominium regulations.* Property owners in a subdivision or condominium are advised to investigate whether there are deed restrictions, subdivision regulations, or condominium bylaws that regulate fences in the development, although the township does not enforce such regulations.

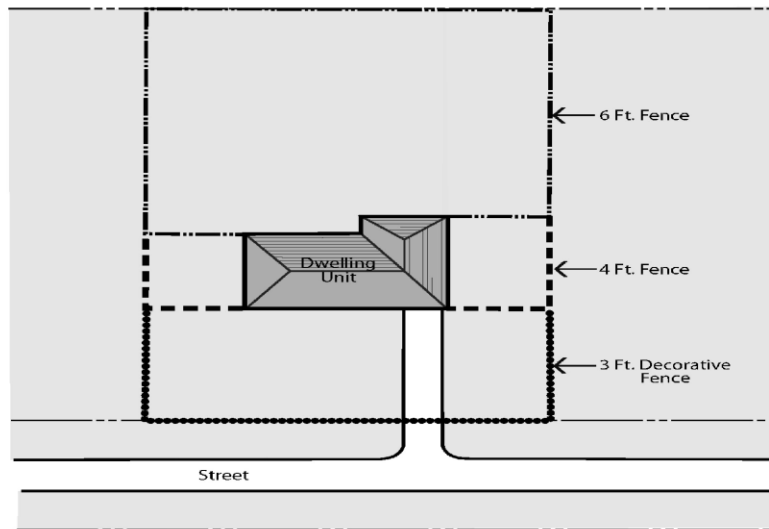
B. *Fence regulations in residential districts.*

1. *Location, height and other restrictions (see diagrams).*

- a. For parcels of land or lots which are less than two acres, or which have less than 200 feet of frontage, or which are located in a subdivision plat or site condominium development:
- The maximum height shall be six feet fences located to the rear of the dwelling unit, except that chain link fences shall not exceed four feet in height.
  - The maximum height shall be four feet for fences located in the side yard.
  - The maximum height shall be three feet for fences located in the front yard.
  - An eight-foot long transition fence panel is permitted to achieve a progression in height from a taller fence to a shorter fence.
  - Fences in the front yard shall be decorative and non-obscuring in design. Decorative fences include, by way of example, picket and split rail fences. Stockade, wire, and chain link fences are not considered decorative fences.
  - On corner lots the following regulations shall apply:
    - (1) On the side yard facing a street (the non-address side), a six-foot high fence shall be permitted provided the fence does not extend closer to the street than any portion of the principal dwelling.
    - (2) In the front yard facing a street (the address side), a four-foot high fence shall be permitted, provided the fence does not extend closer to the street than any portion of the principal dwelling.
    - (3) A three-foot high fence may be erected in the setback area, provided that any such fence shall be decorative and non-obscuring in design, as described above.
- b. For parcels of land which are two acres or larger, and which have at least 200 feet of frontage, and which are not located in a subdivision plat or site condominium development:
- The maximum height shall be six feet for fences located at or to the rear of the front setback line.
  - Fences between the road right-of-way line and the front setback line shall have a maximum height of four feet. Such fences shall be open and non-obscuring in design, such as wire or wire stock fences.
2. *Fences enclosing public areas.* Fences which enclose public parks, playgrounds, or similar public areas located within a developed residential area shall not exceed eight feet in height, measured from the surface of the ground. No greater than 25 percent of the vertical surface of such fences shall be opaque so as to obstruct vision.

C. *Fence regulations in nonresidential districts.* Fences shall be permitted in nonresidential districts, subject to the following conditions:

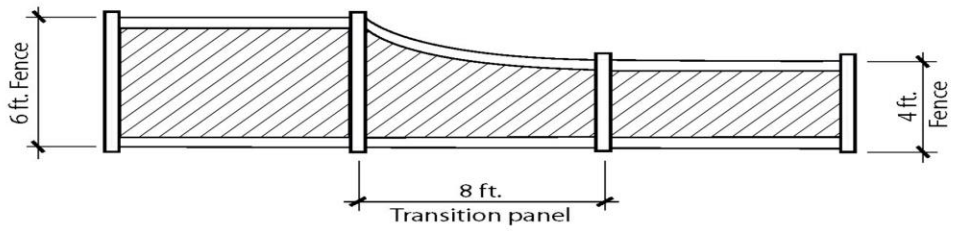
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1. *Location.* Fences shall be permitted in the rear or side yard of nonresidential districts, provided that no fence extend toward the front of the lot than any portion of the principal structure. These restrictions shall not apply to agricultural uses.
  2. *Height.* Fences in nonresidential districts shall not exceed eight feet in height, except that fences used to enclose agricultural lands shall not exceed four feet in height.
- D. *Walls.* This section shall in no way alter or affect the requirements for walls set forth in article 15.00.



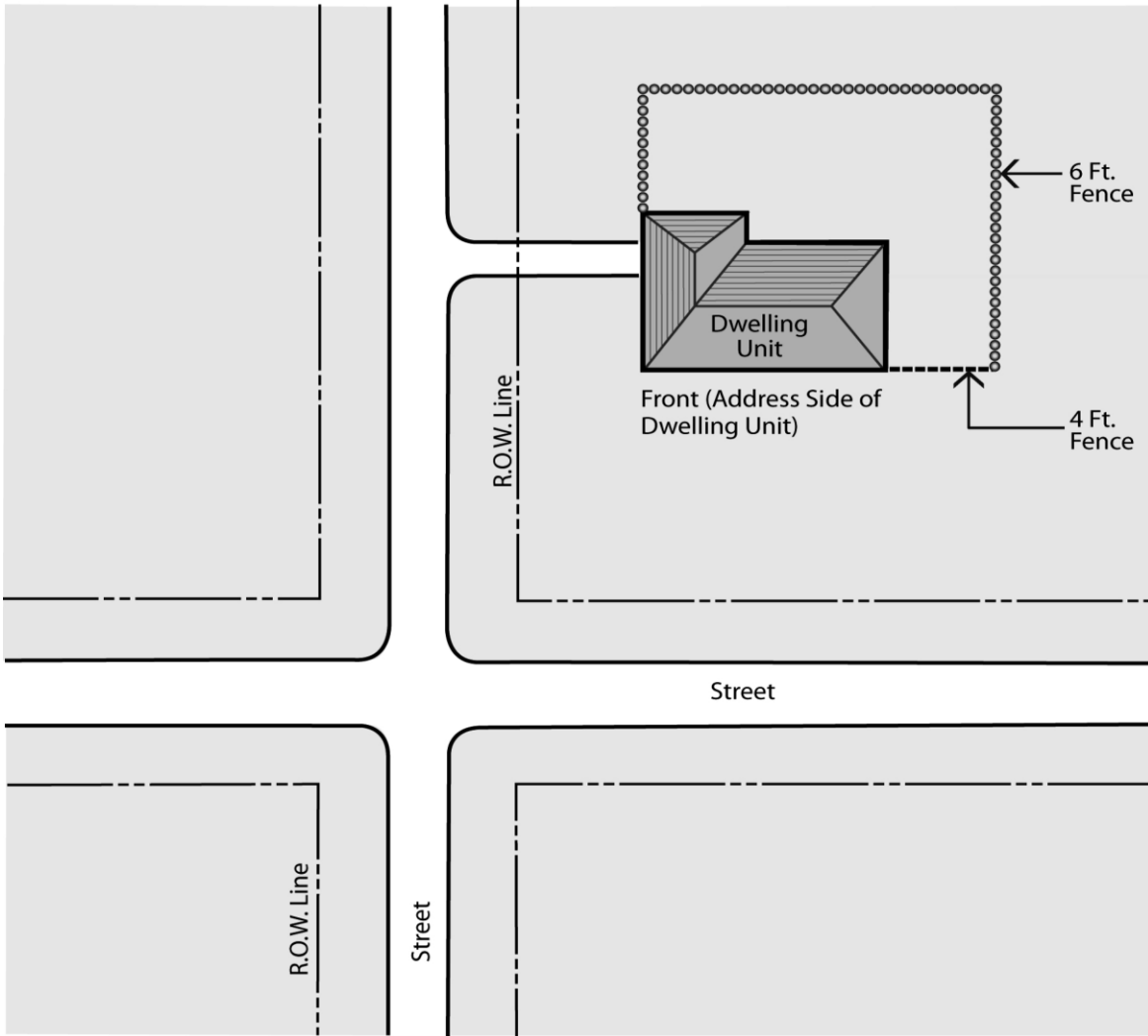
**Fence regulations for parcels that:**

- are less than 2 acres, or
- have less than 200 feet of frontage, or
- are located in a subdivision or site condominium

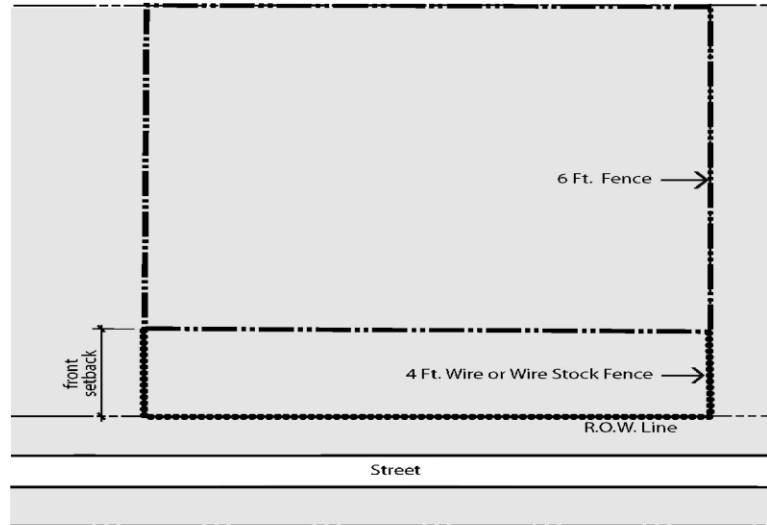




**Transition fence panel**  
Section 12.16, subsection B.1.a



## Fence Regulation for Corner Lots



**Fence regulations for parcels that:**

- are 2 acres or larger , and
- have at least 200 feet of frontage, and
- are not located in a subdivision or site condominium

**Section 12.17. Satellite dish antennae.**

Satellite dish antennae may be permitted as an accessory use in any zoning district, subject to the following conditions:

- A. *Roof-mounted antennae.* Roof-mounted dish antennae up to ten feet in diameter shall be permitted in commercial and industrial districts only, provided that the antennae comply with the height standards for the district in which they are located.
- B. *Ground-mounted antennae.* Ground-mounted antennae up to ten feet in diameter shall be permitted in all districts subject to the following conditions:
  1. Maximum height permitted shall be 20 feet.
  2. The satellite dish structure shall be securely mounted and anchored to a pole and secured in accordance with the requirements of the manufacturer and the building code.

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3. If elevated off of the ground, all such antennas shall be located so that there is an eight-foot clearance between the lowest part of the dish and grade.
  4. Satellite dish antennae comply with setback requirements for the district in which they are located, and shall not be permitted in front yards.
  5. All electrical and antenna wiring shall be placed underground or otherwise obscured from view.
  6. The surface of the dish shall be painted or treated as not to reflect glare from sunlight, and shall not be used as any sign or message board. All installations shall employ (to the extent possible) materials and colors that blend the surroundings.

### **Section 12.18. Impact assessment.**

- A. *Intent.* The purpose of an impact assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in articles 19.00 and 20.00 where required, the impact assessment shall, at minimum, assess the following:
  1. Water, noise and air pollution associated with the proposed use.
  2. Effect of the proposed use on public utilities.
  3. Historic and archeological significance of the site and adjacent properties.
  4. Displacement of people and other land uses by the proposed use.
  5. Alteration of the character of the area by the proposed use.
  6. Effect of the proposed use on the township's tax base and adjacent property values.
  7. Compatibility of the proposed use with existing topography, and topographic alterations required.
  8. Impact of the proposed use on surface and groundwater.
  9. Operating characteristics and standards of the proposed use.
  10. Proposed screening and other visual controls.
  11. Impact of the proposed use on traffic.
  12. Impact of the proposed use on flora and fauna.
  13. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.
- B. *Information required.* Where required, an impact assessment shall contain all applicable information that is required for conceptual review of planned development, as set forth in section 7.05, subsection A.
- C. *Evaluation of the impact assessment.* The planning commission and township board shall consider the criteria listed below in their evaluation of an impact assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval. The township board and planning commission shall determine that the proposed use:
  1. Will be harmonious with and in accordance with the general objectives of the master plan.
  2. Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.
  3. Will not be hazardous or disturbing to existing or future neighboring uses.

4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
  5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
  7. Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
- D. *Applicability of other standards and ordinances.* Approval of the impact assessment shall not relieve the project's sponsor from complying with other land development standards of the Zoning Ordinance, or with any other township ordinance, or with any other applicable local, state or federal law or regulation.

## **ARTICLE 13.00 NONCONFORMITIES**

### **Section 13.01. Intent.**

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

The following table summarizes the nonconforming regulations contained in this article:

**SUMMARY OF NONCONFORMING REGULATIONS**

<b>ISSUE</b>	<b>REQUIREMENTS</b>
Period of nonuse before nonconformity must cease	Nonconforming use: 180 days Nonconforming structure: 12 months
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No affect on nonconformity
Nonconforming single-family use	May be enlarged, subject to conditions
Substitution of one nonconformity for another	Permitted under certain conditions
Nonconformity lots under same ownership	Must be combined
Expansion of nonconformity use within building	Permitted subject to conditions
Expansion of nonconformity use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted

Maintenance, structural repairs	Generally permitted
Renovation, modernization	Maximum value: 25% of fair market value
Rebuilding after catastrophe of pre-catastrophe fair market value	Permitted if damage is less than 50%

**Section 13.02. Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them:

- A. *Effective date.* Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.
- B. *Nonconforming building.* A building or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.
- C. *Nonconforming lot.* A lot existing at the effective date of this Ordinance, or amendments thereof, that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.
- D. *Nonconforming sign.* A sign that on the effective date of this Ordinance does not conform to one or more regulations set forth in this Ordinance.
- E. *Nonconforming use.* A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.
- F. *Structural nonconformity.* A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a dimensional nonconformity.

**Section 13.03. General requirements.**

The following regulations shall apply to all nonconforming uses, structures and lots:

- A. *Continuation of nonconforming uses and structures.* Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance; provided that, unless otherwise noted in this article, the building and land involved shall neither be structurally altered, nor enlarged unless such modifications conform to the provisions of this Ordinance for the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
- B. *Buildings under construction.* To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance 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. Where demolition or removal of an existing building has begun preparatory to rebuilding,

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such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

- C. *Discontinuation of nonconforming uses and structures.*
1. *Nonconforming structure.* When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for 12 consecutive months or discontinued for any period of time without a present intention to reinstate the nonconforming use, the structure or structure and land in combination shall not thereafter be used except in conformance with the provisions of the district in which it is located.
  2. *Nonconforming uses of open land.* If any nonconforming use of open land ceases for any reason for a period of more than 180 days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.
  3. *Seasonal uses.* In applying this subsection to seasonal uses, the time during the off-season shall not be counted.
- D. *Purchase or condemnation.* In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the Township of Lyon, pursuant to Section 208, Public Act 110 of 2006, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.
- E. *Recording of nonconforming uses and structures.* The building official shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the building official with necessary information to determine legal nonconforming status may result in denial of required or requested permits.
- F. *Establishment of a conforming use or structure.* In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.
- G. *Change of tenancy or ownership.* In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.
- H. *Exceptions and variances.* Any use for which a special exception or variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.
- I. *Unlawful nonconformities.* No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
- J. *Nonconforming single-family uses.* Notwithstanding the limitations outlined in this article, any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.
- K. *Substitution.* A nonconforming use may be changed to another nonconforming use upon approval of the zoning board of appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the zoning board of appeals may require conditions to accomplish the purposes of this Ordinance.

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- L. *Change of location.* Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **Section 13.04. Nonconforming lots of record.**

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- A. *Use of nonconforming lots.* Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of in existence record at the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, provided that:
  - 1. The lot width, area, and open space are not less than 75 percent of the requirements established for the district in which the lot is located; and
  - 2. The lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety and welfare.
- B. *Variance from area and bulk requirements.* If the use of nonconforming lot requires a variation from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the zoning board of appeals.
- C. *Nonconforming contiguous lots under the same ownership.* If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.
- D. *Combination of nonconforming lots.* Upon application to the township board, the township board may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance; provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

#### **Section 13.05. Modification to nonconforming uses or structures.**

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as specifically permitted by the regulations which follow:

- A. *Applicability.* The following regulations shall apply to any nonconforming use or structure, including:
  - 1. Nonconforming uses of open land.
  - 2. Nonconforming use of buildings designed for a conforming use.



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3. Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.
  4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
  5. Nonconforming structures, such as fences and signs.
- B. *Enlargement, extension or alteration.*
1. *Increase in nonconformity prohibited.* Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
    - a. An increase in the total amount of space devoted to a nonconforming use; or
    - b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.
  2. *Permitted extension.* Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.
  3. *Alterations that decrease nonconformity.* Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The zoning board of appeals shall determine if a proposed alteration will decrease the degree of nonconformity.
  4. *Variance to area and bulk requirements.* If a proposed alteration is deemed reasonable by the zoning board of appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variation of the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the zoning board of appeals.
- C. *Repairs, improvements and modernization.*
1. *Required repairs.* Repairs or maintenance deemed necessary by the building official to keep a nonconforming building structurally safe and sound are permitted. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the building official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
  2. *Additional permitted improvements.* Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed 25 percent of the market value (as determined by the township assessor) of the structure during any period of 12 consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this subsection shall apply to all structures except as otherwise provided in this article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.
- D. *Damage by fire, flood or other catastrophe.*

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1. Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood or other catastrophe in excess of 50 percent of the structure's pre-catastrophe fair market value (as determined by the township assessor) shall not be rebuilt, repaired or reconstructed except in complete conformity with this Ordinance.
  2. Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood or other catastrophe by less than or equal to 50 percent of the structure's pre-catastrophe fair market value (as determined by the township assessor) may be restored to its pre-catastrophe status.
  3. Proposals to rebuild, repair, reconstruct or restore require appropriate township building department approvals and permits.

(Ord. No. 03-12, pt. 2.E., 8-6-2012)

## **ARTICLE 14.00 OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **Section 14.01. Off-street parking requirements.**

- A. *Scope of off-street parking requirements.* Compliance with the off-street parking regulations shall be required as follows:
  1. *General applicability.* For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this section. However, where a building permit has been issued prior to the effective date of the ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.
  2. *Change in use or intensity.*
    - a. Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.
    - b. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.
  3. *Existing parking facilities.*
    - a. Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance.
    - b. An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.
  4. *Additional off-street parking.* Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the ordinance, provided all such parking is in conformance with the regulations herein.
- B. *General requirements.* Off-street vehicle parking facilities shall be provided and maintained as herein prescribed:
  1. *Location.*

- a. *Proximity to building or use being served.* Off-street parking for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building or use being served or within 300 feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking), except as otherwise permitted for collective use of off-street parking.
- b. *Within yards.* Off-street parking shall comply with the minimum setback requirements specified in section 36.02, schedule of regulations. However, in the O-1, B-2, and B-3 districts, off-street parking in commercial and office districts (but not including the research office district) may be located in a front, side, or rear yard, subject to the landscaping requirements in article 15.00, and subject further to the following minimum setbacks:
  - i. Off-street parking shall be located at least 20 feet from any residentially-zoned or used parcel.
  - ii. Off-street parking shall comply with the following front setback requirements (measured from the existing right-of-way line):

Depth of Parcel	Minimum Front Parking Setback
Less than 250 feet	10 feet
250 feet or more	20 feet

- 2. *Residential parking.*
  - a. Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas.
  - b. Commercial and recreational vehicle parking in residential districts shall comply with the standards in section 14.01, subsection E.
- 3. *Control of off-site parking.* It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property. Where required parking is permitted on land other than on the same lot as the building or use being served, the land on which the parking is located shall be under the same ownership and control as the lot occupied by said building or use.
- 4. *Access to parking.* Each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.
- 5. *Collective use of off-street parking.* Off-street parking for separate buildings or uses may be provided collectively subject to the following:
  - a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the planning commission may reduce the total number of spaces by up to 25 percent upon making the determination that the parking demands of the uses being served do not overlap.

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- b. Each use served by collective off-street parking shall have direct access to the parking without crossing streets.
      - c. The collective off-street parking shall not be located farther than 500 feet from the building or use being served.
      - d. Written easements which provide for continued use and maintenance of the parking shall be submitted to the township for approval.
    6. *Storage and repair prohibited.* The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service required to start vehicles shall be permitted.
    7. *Duration.* Except when land is used as permitted storage space in direct connection with a legitimate business, a 24-hour time limit for parking in nonresidential off-street parking areas shall prevail; provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles in any parking area in any district for any period of time.
    8. *Parking structures.* Parking structures shall be permitted subject to the following standards:
      - a. Any parking structure shall comply with the required setbacks for the district in which it is located.
      - b. Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.
      - c. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.
      - d. Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Any such landscaping shall be compatible with the overall landscape plan for the entire site.
  - C. *Minimum number of spaces required.* The following standards shall be used in determining the required number of parking spaces:
    1. *Definition of floor area.* For the purposes of determining required number of parking spaces, "floor area" shall be measured in accordance with the definitions provided in article 3.00.
    2. *Units of measurement.*
      - a. *Fractional spaces.* When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one space.
      - b. *Employee parking.* Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.
    3. *Uses not cited.* For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the planning commission.
    4. *Parking during construction.* Temporary off-street parking shall be provided for workers during construction at a rate of one space per employee. Gravel surfacing may be permitted for such temporary parking.
    5. *Parking for the physically handicapped.* Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Parking for the handicapped shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of

1966, as amended, and the adopted township building code. The number of barrier-free spaces required is as follows:

Total Parking In Lot	Required Number Barrier-Free Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
Over 400	12 plus 2 for every 230 or fraction thereof over 400

7. *Use of loading space.* Required loading space shall not be counted or used for required parking.
8. *Minimum number of spaces for each use.* The amount of required off-street parking space shall be determined in accordance with the schedule which follows. The planning commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.

**SCHEDULE OF OFF-STREET PARKING**

Land Use	Required No. of Parking Spaces	Per Each Unit of Measure as Follows
<b>RESIDENTIAL USES</b>		
Single- and Two-Family		
Up to 3 bedrooms	2	Dwelling unit (may be in housing garage)
4 or more bedrooms	3	Dwelling unit (may be in garage)
Multiple-Family Housing and Attached Single-Family Housing	1.0	Efficiency unit, PLUS
	1.5	1 bedroom unit, PLUS
	2.0	2 bedroom unit, PLUS
	3.0	3 or more bedroom unit
In addition, multiple-family and attached single-family developments shall be required to provide supplemental guest off-street parking equal to at least 20 percent of the spaces required by the above standards.		
Senior Apartments		
Use same standards as for multiple-family housing		
Housing for Elderly:	0.5	Dwelling unit, PLUS
Elderly Housing Complex, Congregate Housing, Dependent Housing Facilities	1	Employee

Should units revert to general occupancy, the requirements for multiple-family housing shall be complied with.		
Mobile Homes		
Parking should be provided in accordance with Michigan Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.		
INSTITUTIONAL OR PUBLIC USES		
Churches, Temples, and Places of Worship	1	3 seats, or
	1	6 lineal ft. of pews in the main hall, PLUS
Churches, Temples, and Places of Worship		Land area shall be available for future development of additional spaces, equal to 10% of the specified parking requirement (to accommodate growth)
Child Care Centers	1	Teacher, administrator, or other employee, PLUS
	1	400 sq.ft. of usable floor area
In addition, sufficient area shall be set aside for dropping-off and picking-up children in a safe manner that will not result in traffic disruption.		
Fraternities, Dormitories	1	2 persons who may legally occupy the premises at one time, based on the occupancy load established by local codes
Hospitals, Sanitariums	1	Bed, PLUS
	1	150 sq.ft. of usable floor area occupied by outpatient services
Homes for the Aged, Convalescent Homes, and Childrens Homes	1	2 beds
Museum, Library, Cultural Center or Similar Facility	1	300 sq.ft. of usable floor space, PLUS
	1	Employee
Post Office	1	200 sq.ft. of usable floor space, PLUS
	1	Employee
Public Utility Use	1	Employee
Schools, Elementary and Junior High	2	Classroom
In addition, additional spaces shall be provided as required for any auditorium or public meeting space. If no auditorium or public meeting space exists, then 1 space per classroom shall be provided in addition to required spaces for teachers, administrators, and other employees.		
School, Senior High	1	Teacher, administrator, or other employee, PLUS
	1	5 students who may legally occupy the school at one time, based on the

		occupancy load established by local codes
In addition, additional spaces shall be provided as required for any auditorium, stadium, or other public meeting spaces.		
Stadiums, Sports Arenas	1	3 seats, OR
	1	6 lineal feet of benches, whichever is greater, PLUS
	1	Employee
Theaters and Auditoriums with Fixed Seating	1	3 seats, OR
	1	6 lineal feet of benches
Theaters and Auditoriums,	1	3 persons who may be legally without Fixed Seating admitted at one time based on the occupancy load established by local code, PLUS
	1	Employee
<b>BUSINESS AND COMMERCIAL USES</b>		
Animal Hospitals and Commercial Kennels	1	400 sq.ft. of usable floor area, PLUS
	1	Employee
Auto and Vehicle Repair or Service Facilities, Bump Shop	1	Employee, PLUS
	3	Service or repair bay, PLUS
	1	800 sq.ft. of usable floor area
Each service or repair bay shall count as one space.		
Auto or Vehicle Service/Filling Station	1.5	Vehicle capable of being fueled at one (1) time, PLUS
	2	Service or repair bay, PLUS
	1	Employee
In addition, off-street parking shall be provided for convenience stores and other uses operated in conjunction with an auto service station, based on the standards set forth herein.		
Auto Wash, Automatic	1	Employee, PLUS
	15 stacking spaces	Automatic wash operation
Auto Wash, Self-Service spaces	3 stacking	Washing stall in addition to the stall itself, PLUS
	2 drying spaces	Washing stall
Banks, Financial Institutions	1	200 sq.ft. of usable floor area
In addition, financial institutions with drive-in windows shall provide 6 stacking spaces for each window.		
Beauty or Barber Shops	3	Beauty or barber chair for the first two chairs, PLUS
	1.5	Each additional chair

Dining Halls, Exhibition Halls Pool Halls, Billiard Halls Halls without Fixed Seats	1	2 persons who may be legally admitted at one time based on Assembly the occupancy load established by local codes, PLUS
	1	Employee, OR
	1	100 sq.ft. of usable floor area, whichever is greater
Furniture and Appliance Sales Household Equipment Repair Shops	1	600 sq.ft. of usable floor area
Hotel, Motel, or Other Lodging	1	Occupancy unit, PLUS
	1	Employee
In addition, spaces shall be provided as required for restaurants, bars, assembly rooms, and other affiliated uses.		
Ice Cream Parlors	1	75 sq.ft. of gross floor area, with a minimum of 8 spaces
Laundromats and Coin-Operated	1	2 washing and/or dry-cleaning dry Cleaners machines
Lumber Yard	2.5	Employee
In addition, additional spaces shall be provided as required for enclosed retail space.		
Mini-Warehouses, Self-Storage	1	10 storage units, equally distributed Establishments throughout the storage area, PLUS
	2	Manager's or caretaker's quarters, PLUS
	1	50 storage units located at the project office
Mortuaries, Funeral Homes	1	50 sq.ft. of floor area in the parlor area
Motels, Hotels, Tourist Homes,	1	Guest room, PLUS
Bed-and-Breakfast Establishments	1	Employee
In addition, additional spaces shall be provided as required for restaurant facilities, meeting rooms, and similar uses.		
Motor Vehicle Sales	1	200 sq.ft. of usable floor area exclusive of service areas, PLUS
	1	Auto service stall in the service area, PLUS
	1	500 sq.ft. of outdoor sales area, PLUS
	1	Employee
All parking required above shall be exclusive from parking for vehicles being offered for sale.		
Open Air Business	1	500 sq.ft. of land area being used for display
In addition, spaces shall be provided for as required for retail sales within a building.		
Personal Service Establishments	1	300 sq.ft. of usable floor area, PLUS
Not Otherwise Specified	1	Employee
Radio or Television Station or Studio	1	Employee

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(Supp. No. 19)



Restaurants, Bar/Lounge	1	50 sq.ft. of usable floor area
Parking for that portion used principally for dining shall be based on the requirements for "Restaurants, Standard".		
Restaurants, Carry-Out	10	Service or counter station, OR
	1	30 sq.ft. of usable floor area in customer waiting areas, PLUS
	1	Employee
Restaurants, Fast-Food	1	50 sq.ft. of eating area, PLUS
Drive-In, Drive-Through	1	Employee, PLUS
	10 stacking spaces	Drive-through window
Restaurants, Standard	1	50 sq.ft. of usable floor area, OR
	1	2 persons who may be legally admitted at one time based on the capacity load established by local codes
Shopping Centers	1	250 sq.ft. of gross leasable floor area for centers having less than 600,000 sq.ft. of floor area, OR
	1	200 sq.ft. of gross leasable floor area for centers having more than 600,000 sq.ft. of floor area.
The parking requirements for restaurants located in a shopping center shall be computed separately and added to the parking requirements for the other uses.		
Supermarkets, Convenience Stores	1	150 sq.ft. of usable floor area
Wholesale Sales Stores, Machinery Sales, Showroom of a Plumber, Electrician, or Similar Trade	1	1,000 sq.ft. of usable floor area, PLUS Employee
Retail Stores Not Otherwise Specified	1	150 sq.ft. of usable floor area
OFFICE USES		
Business and Professional Offices, except as Otherwise Specified	3	1,000 sq.ft. of usable floor area
Professional Offices, and Clinics of Doctors, Dentists, and Similar Medical Professions	1	125 sq.ft. of usable floor area
Real Estate Offices	1	125 sq.ft. of usable floor area
INDUSTRIAL USES		
Contractor or Construction Use	1	Employee, PLUS
	1	Each piece of equipment stored on the site
Manufacturing Establishments, or Establishments for Industrial Production, Processing, Assembly, Compounding, Preparation, Cleaning, Servicing, Testing, Repair, plus	1	750 sq.ft. of gross floor area

Accessory Business Offices and Storage Facilities		
Wholesale and Warehouse Establishments	1	1,500 sq.ft. of gross floor area
RECREATION USES		
Arcades	2	Machine, PLUS
	1	Employee
Archery Facilities	2	Target
Softball, Baseball Fields	25	Playing field
BMX Course	50	Course
Bowling Establishments	6	Lane
Additional spaces shall be provided as required for restaurants, bars, and other affiliated uses.		
Dance Halls, Health Spas, Pools or Billiard Parlors, Skating Rinks, Exhibition Halls, Assembly Halls without Fixed Seats, and Similar	1	2 persons who may be legally admitted at one time based on the occupancy load established by local codes, PLUS
	1	Employee
Indoor Recreation Uses		
Football and Soccer Fields	30	Field
Golf Course, Public or Private	6	Golf hole, PLUS
	1	Employee
Additional spaces shall be provided as required for clubhouse, restaurant, pro shop, or other affiliated facilities.		
Golf Course, Miniature or Par 3	2	Golf hole, PLUS
	1	Employee
Additional spaces shall be provided as required for clubhouse, restaurant, pro shop, or other affiliated facilities.		
Golf Driving Range	1	Tee
Private Clubs and Lodges	1	2 persons who may be legally admitted at one time based on the occupancy load established by local codes, PLUS
	1	Employee
Stadium, Sports Arena, or Similar Assembly Space	1	3 seats, OR
	1	6 lineal feet of benches
Swimming Pool Clubs	1	2 member families or individual member, PLUS
	1	Employee
Swimming Pools	1	4 persons who may be legally admitted at one time based on occupancy load established by local code, PLUS
	1	Employee
Tennis Clubs and Court-Type Recreation Uses	1	Person permitted based on the capacity of the courts, PLUS

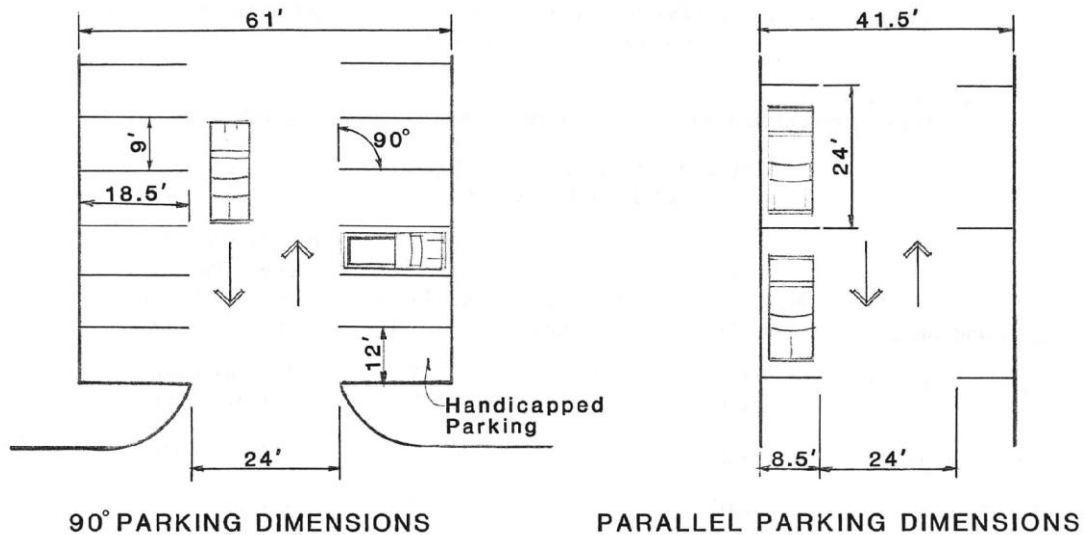
	1	Employee
Additional spaces shall be provided as required for restaurants, bars, pro shops, and other affiliated facilities.		

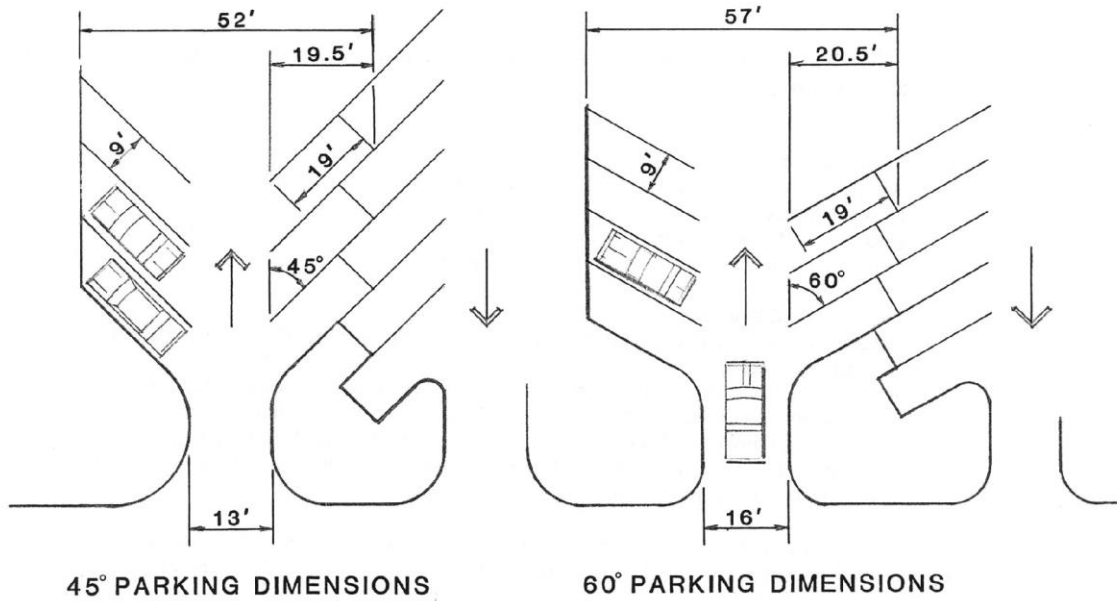
D. *Layout and construction.* Off-street parking facilities containing four or more spaces shall be designed, constructed, and maintained in accordance with the following requirements:

1. *Review and approval requirements.*

- a. Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the building official for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the building official before a certificate of occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.
- b. Plans shall be prepared at a scale of not less than 50 feet equal to one inch. Plans shall indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards formally established by the township engineer.

**Off-Street Parking Graphics**





In the event that required parking cannot be constructed because of cold or inclement weather, a temporary certificate of occupancy may be issued by the building official, provided the applicant first deposits a performance guarantee in accordance with article 17.00.

2. *Dimensions.* Off-street parking shall be designed in conformance with the following standards and diagram:

**OFF-STREET PARKING STANDARDS  
(All Dimensions in Feet)**

<u>Parking Angle</u>	<u>Maneuvering Aisle Width</u>	<u>Parking Stall Width</u>	<u>Stall Depth to Wall</u>	<u>Total Width of Two Stalls of Parking Plus Maneuvering Aisle (Wall to Wall)</u>
0 degrees (parallel)	12.0	24.0	8.5	29.0 (one-way)
	24.0	24.0	8.5	41.0 (two-way)
Up to 53 degrees	13.0	9.0	19.5	52.0 (one-way)
54 to 74 degrees	16.0	9.0	20.5	57.0 (one-way)
75 to 90 degrees	24.0	9.0	18.5	61.0 (two-way)

Driveways providing access to residential, commercial or industrial uses shall comply with the standards in section 12.09.

3. *Ingress and egress.* All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least 25 feet from the nearest point of any property zoned for single-family residential use.

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4. *Surfacing and drainage.* Grading, surfacing, and drainage plans shall comply with township engineering standards and shall be subject to review and approval by the township engineer. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material. However, the planning commission may permit a gravel surface for heavy machinery storage areas, provided the applicant or property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged.

Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

5. *Curbs, wheel chocks.* A curb of at least six inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.
6. *Lighting.* All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in section 12.11. Parking lot entrances shall be illuminated.
7. *Buildings.* No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/attendant shelter, which shall not be more than 50 square feet in area and not more than 15 feet in height.
8. *Signs.* Accessory directional signs shall be permitted in parking areas in accordance with article 16.00.
9. *Screening and landscaping.* All off-street parking areas, except those serving single- and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in article 15.00.
10. *Maintenance.* All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

E. *Commercial and recreational vehicle parking in residential districts.*

1. *Commercial vehicle parking.*

One commercial vehicle only, with a rated capacity of one ton or less, may be parked on a residential lot, provided that the vehicle is not a service vehicle, such as but not limited to a wrecker, septic tank pumper, or truck that carries flammable or toxic materials.

The parking or storage of vehicles with a rated capacity of over one ton may be permitted where such vehicles are used in conjunction with a bonafide agricultural operation on a farm that is five acres or greater in size.

The parking of no more than one commercial vehicle with a rated capacity of over one ton may be permitted on a residential parcel subject to the following conditions and review and approval by the planning commission:

- a. The parcel of land must be at least five acres in size and shall not be part of a recorded plat or other single- or multiple-family residential development.
- b. The parcel of land shall have a minimum width of at least 330 feet.
- c. The commercial vehicle must be owned and operated by a resident of the premises.
- d. The vehicle shall be fully screened when parked. Such screening may be provided by parking the vehicle in a garage, or by parking the vehicle in a rear yard which provides complete screening

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from adjacent properties. Screening of vehicles located outdoors may be accomplished with existing or new landscaping, topographic barriers, or through construction of screening walls or fences.

- e. Approval to park a commercial vehicle shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle.
  - f. In considering whether to permit parking of a commercial vehicle on a site, the planning commission shall consider the potential off-site impacts, including: The impact from additional dust, odors, fumes, and noise generated by the vehicle; the disruption from additional vehicular traffic at various times during the day; and, possible safety hazards related to operation of a commercial vehicle on public or private residential roads.
2. *Recreational vehicle parking.* Recreational vehicles as defined in article 3.00, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following conditions:
- a. *Connection to utilities.* Recreational vehicles parked or stored shall not be connected to electricity, water, gas or sanitary sewer facilities.
  - b. *Use as living quarters.* At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.
  - c. *Location.* Any recreational vehicle may be parked within a fully enclosed structure. Storage of recreational vehicles in the rear or side yard may be allowed as long as the recreational vehicle is no closer than five feet to a side or rear property line.
    - (1) *Front yard storage.* On a parcel of land that is not part of a recorded plat or other single- or multiple-family residential development, a maximum of one recreational vehicle may be stored in the front yard. A recreational vehicle stored in the front yard shall be parked in the driveway set back a minimum of the required front yard setback for the applicable zoning district and no closer than five feet to a side property line. No portion of any recreational vehicle or trailer may extend over a sidewalk, pathway, or into the road right-of-way.
  - d. *Lot coverage.* Recreational vehicles may occupy no more than 20 percent (existing standards) of the required rear yard.
  - e. *Temporary parking.* Notwithstanding the above provisions concerning "location", recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven-day period.
  - f. *Condition.* Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.
  - g. *Storage of mobile homes.* The parking or storage of an unoccupied mobile home as defined in article 3.00, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in the mobile home park district.
  - h. *Waiver of regulations.* The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the building department. No more than one permit shall be issued for each activity (repair, storage of guest vehicle) per calendar year.

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- i. *Multiple-family complexes and mobile home parks.* The planning commission may require that a screened storage area be provided on the site of a multiple-family complex or mobile home park for parking and storage of recreational vehicles.
  - j. *Ownership.* Only recreational vehicles owned by and titled to a permanent resident of the residential parcel may be stored on the property.

(Ord. No. 10-16, pt. 5, 11-9-2016; Ord. No. 03-17, pt. 7, 6-5-2017; Ord. No. 01-22, § 1, 1-4-2022)

## **Section 14.02. Loading space requirements.**

- A. *Scope of loading space requirements.* Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.
  - 1. *General applicability.* On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry-cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this section.
  - 2. *Change in use or intensity.* Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.
- B. *General requirements.*
  - 1. *Location.* Required loading space shall be located to the rear of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.
  - 2. *Size.* Unless otherwise specified, each required loading space shall be a minimum of ten feet in width and 50 feet in length, with a vertical clearance of 15 feet.
  - 3. *Surfacing and drainage.* Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the township engineer.
  - 4. *Storage and repair prohibited.* The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.
  - 5. *Use of loading space.* Required loading space shall not be counted or used for required parking.
  - 6. *Central loading.* Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
    - a. Each business served shall have direct access to the central loading area without crossing streets or alleys.
    - b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
    - c. No building served shall be more than 300 feet from the central loading area.
  - 7. *Minimum loading space.* The amount of required loading space shall be determined in accordance with the schedule which follows. The planning commission may modify these requirements upon making

the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

**SCHEDULE OF LOADING SPACE REQUIREMENTS**

Gross Floor Area	Number of Loading Spaces
0—4,999 sq. ft.	See note 1
5,000—19,000 sq. ft.	1 space
20,000—99,999 sq. ft.	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000—499,999 sq. ft.	5 spaces, plus 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	13 spaces, plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

FOOTNOTE TO SCHEDULE OF LOADING SPACE REQUIREMENTS:

1. Establishments containing less than 5,000 sq. ft. of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a ten-ft. by 50-ft. space in the event that the use of the property changes.

**ARTICLE 15.00 LANDSCAPING, SCREENING AND WALLS**

**Section 15.01. Intent and scope of requirements.**

- A. *Intent.* Landscaping enhances the visual image of the township, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the township's environment. More specifically, the intent of these provisions is to:
1. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way;
  2. Protect and preserve the appearance, character, and value of the neighborhoods which abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare;
  3. Reduce soil erosion and depletion; and
  4. Increase soil water retention, thereby helping to prevent flooding.
- B. *Scope of application.* No site plan shall be approved unless it shows landscaping consistent with the requirements of this article. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in article 17.00.



- C. *Minimum requirements.* The requirements in this article are minimum requirements, and under no circumstances shall they preclude the developer and the township from agreeing to more extensive landscaping.
- D. *Design Creativity.* Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the township to coordinate landscaping on adjoining properties.
- E. *Summary of regulations.* The following table summarizes the landscaping regulations contained in this article:

**SUMMARY OF MINIMUM LANDSCAPING REQUIREMENTS [1]**

Planting Requirements						
	Landscape Ratio	Minimum Height	Minimum Width	Deciduous or Evergreen Trees	Ornamental Trees	Deciduous or Evergreen Shrubs
General Site Landscaping	—	—	—	1 per 3,000 sq. ft. [2]	—	—
Landscaping Adjacent to Roads	—	—	20 ft.	1 per 40 lineal ft.	1 per 100 lineal ft.	8 per 40 lineal feet
Greenbelts	—	—	20 ft.	1 per 30 lineal ft.	—	[3]
Greenbelts used for Screening	—	6 ft.	20 ft.	[4]	—	—
Berms in Front Yard	—	[5]	[5]	1 per 40 lineal ft.	1 per 100 lineal ft.	8 per 40 lineal ft.
Berms used for Screening	—	3 ft.	[5]	[4]	—	—
Parking Lot Landscaping	10 sq. ft. per space	—	5 ft. [6]	1 per 300 sq. ft.	—	—

Footnotes:

- [1] See sections 15.02 and 15.03 for detailed requirements.
- [2] General site landscaping for: Mobile home parks: Two trees plus four shrubs per lot; multiple-family uses: Two trees plus four shrubs per dwelling unit.
- [3] Eight shrubs may be substituted for each tree.
- [4] Evergreens must be closely spaced (no further than 15 feet apart) to form complete visual barrier within three years.
- [5] Berms shall have slopes no steeper than one foot vertical for each three feet horizontal. Thus, the minimum width is equal to total height multiplied by 3. Maximum height of berms in the front yard: Three feet.
- [6] Minimum area of each parking lot landscaped area: 150 sq. ft.

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## Section 15.02. General landscaping requirements.

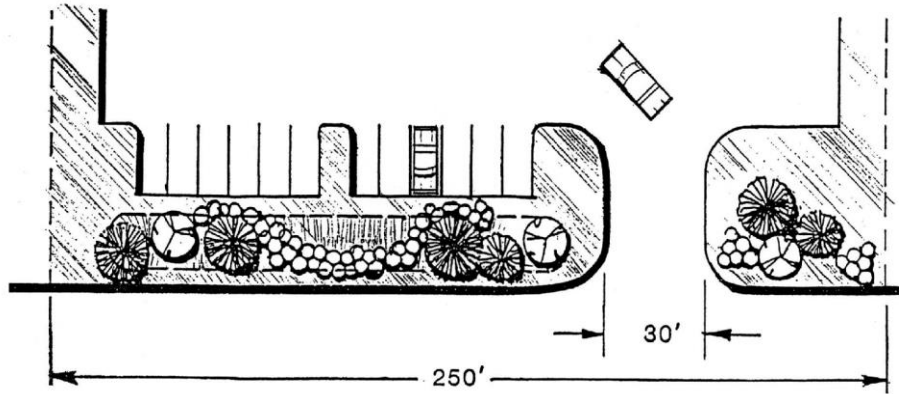
- A. *General site requirements.* All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:
1. All unpaved portions of the site shall be planted with grass, groundcover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all nonresidential uses shall be planted with sod.
  2. A mixture of evergreen and deciduous trees shall be planted on nonresidential parcels at the rate of one tree per 3,000 square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not appear later in this article. Required trees may be planted at uniform intervals, at random, or in groupings.
- B. *Landscaping adjacent to roads.* Where required, landscaping adjacent to roads shall comply with the following planting requirements (see diagram):

<u>Type</u>	<u>Requirements</u>
Deciduous or evergreen tree	1 per 40 lineal feet of road frontage
Ornamental tree	1 per 100 lineal feet of road frontage
Shrubs	8 per 40 lineal feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

- C. *Berms.* Where required, berms shall conform to the following standards:
1. *Dimensions.* Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal (33 percent slope), with at least a two-foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three feet.
  2. *Protection from erosion.* Any required berm shall be planted with sod, groundcover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the planning commission.

### Example of Landscaping Adjacent to Roads



**Landscaping Adjacent to Roads**

# Length of Road Frontage: 250 feet minus 30-foot driveway = 230 feet

	<u>Required Number of Plants</u>
Deciduous or Evergreen Trees	230 ft./40 ft. = 6
Ornamental Trees	230 ft./100 ft. = 3
Shrubs	230 ft./40 ft. x 8 = <u>46</u>
<b>TOTAL</b>	<b>55</b>

**LANDSCAPING ADJACENT TO ROADS  
Section 15.02, subsection B**

3. *Required plantings.*
    - a. *Berms located in the front yard of nonresidential parcels.* Berms located in the front yard of nonresidential parcels shall be landscaped in accordance with the requirements for landscaping adjacent to roads, section 15.02, subsection B.
    - b. *Berms used for screening other than in the front yard.* Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for screening, section 15.02, subsection E.
  4. *Measurement of berm length.* For the purpose of calculating required plant material, berm length shall be measured along the exterior edge of the berm.
- D. *Greenbelts.* Where required, greenbelts shall conform to the following standards:
1. *Measurement of greenbelt length.* For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.
  2. *General planting requirements.*
    - a. *Grass or groundcover requirements.* Grass, groundcover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
    - b. *Tree and shrub requirements.* Except where the greenbelt is used for screening, a minimum of one deciduous or evergreen tree shall be planted for each 30 lineal feet or portion thereof of

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required berm, or, alternatively, eight shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

- c. *Distance from sidewalk.* Plant materials shall not be placed closer than four feet from the right-of-way line where the greenbelt abuts a public sidewalk.
3. *Greenbelts used for screening.* Greenbelts used for screening shall be landscaped in accordance with the requirements for screening, section 15.02, subsection E.

E. *Screening.*

1. *General screening requirements.* Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings (i.e., no farther than 15 feet apart) which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within three years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. Wherever screening is required adjacent to residentially zoned or used property, the screening must be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.
2. *Screening of equipment.* Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six inches within two years of planting.

F. *Parking lot landscaping.* In addition to required screening, all off-street parking areas shall also provide landscaping as follows:

1. *Screening.* Parking located in front or on the side of a building shall be screened from the road with a three-foot high red or brown brick wall, evergreen landscaping, or an approved alternative. Appropriate species for a three-foot high evergreen screen include:
  - a. Yew (*Taxus x media*) - appropriate cultivars include Browni, Densiformis, Hartfield, Hicks.
  - b. Dwarf Mugo Pine (*Pinus mugo*).
  - c. Arborvitae (*Thuja occidentalis*) - appropriate cultivars include Globosa, Techny.
  - d. Canadian Hemlock (*Tsuga canadensis*).

Use of dwarf species is recommended in the interest of minimizing pruning and maintaining the natural form of the plant material.

2. *Landscaping within off-street parking lots.*
  - a. *Landscaping ratio.* Off-street parking areas containing greater than 15 spaces shall be provided with at least ten square feet of interior landscaping per parking space. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
  - b. *Minimum area.* Landscaped areas in parking lots shall be no less than five feet in any single dimension and no less than 150 square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.
  - c. *Other landscaping.* Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
  - d. *Required plantings.* Requirements for plant material shall be based on the location, size and shape of the parking lot landscaped area. A minimum of one tree shall be planted per 300 square

feet or fraction thereof of interior landscaped area. At least 50 percent of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, groundcover or trees. Plantings within parking lots shall comply with the requirements for unobstructed site distance set forth in section 12.09. The landscape plan shall indicate the types, sizes and quantities of plant material proposed for such areas.

- G. *Landscaping of rights-of-way.* Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live groundcover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. No plantings except grass or groundcover shall be permitted closer than three feet from the edge of the road pavement.
- H. *Maintenance of unobstructed visibility for drivers.* No landscaping shall be established or maintained on any parcel or in any parking lot which will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning unobstructed sight distance set forth in section 12.09.
- I. *Potential damage to utilities.* In no case shall landscaping material be planted in a way which will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than 15 feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in the following chart:

<u>Tree Height</u>	<u>Minimum Distance from Center of Trunk to Nearest Utility Line</u>
Up to 15 feet	10 ft.
15 to 25 feet	20 ft.
Over 25 feet	30 ft.

- J. *Landscaping of divider medians.* Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle accessways is separated by a divider median, the median shall be curbed and have a minimum width of ten feet. A minimum of one deciduous or evergreen tree shall be planted for each 30 lineal feet or portion thereof of median. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed 60 feet.
- K. *Irrigation.* The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.
- L. *Street trees in single-family districts.* One deciduous shade tree shall be planted for each 40 feet of frontage along a street, including all frontages for a corner lot, rounded up to the next whole number. The required street trees shall be planted in the road right-of-way, except in the following instances the trees may be planted on private property: 1) where there is insufficient planting area between the sidewalk and curb edge, or 2) planting in the road right-of-way is not permitted by the Road Commission for Oakland County.

One deciduous shade tree shall be planted for each 40 linear feet along a median boulevard, except where such trees would conflict with traffic control devices, driveways, street lights, fire hydrants, or utility locations.

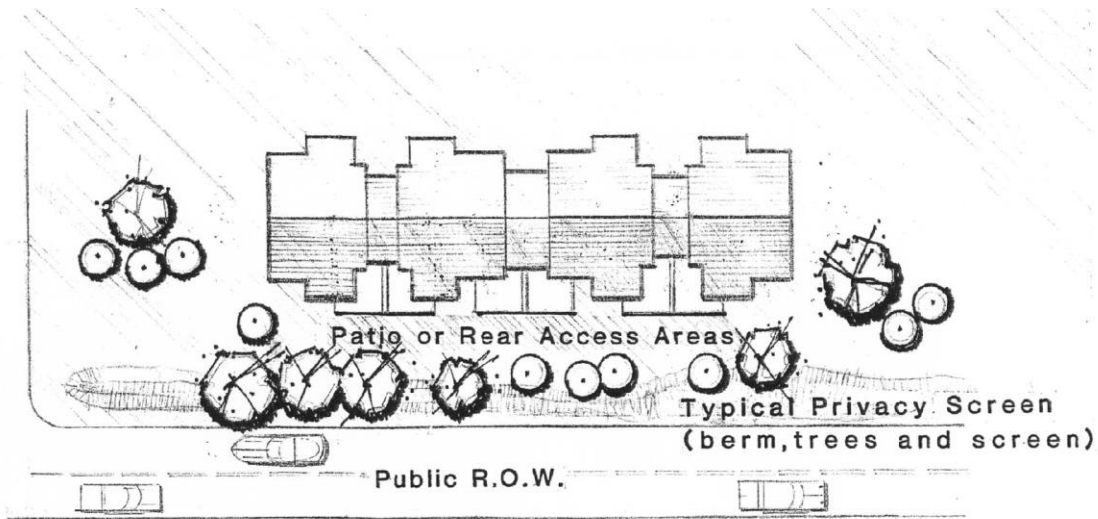
(Ord. No. 10-16, pt. 6, 11-9-2016)

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### **Section 15.03. Specific landscaping requirements for zoning districts.**

- A. *Requirements for commercial, office, industrial and research office districts.* All lots or parcels of land located in the O-1, B-2, B-3, I-1, I-2 and RO zoning districts shall comply with the following landscaping requirements:
1. *General site landscaping.* All developed portions of the site shall conform to the general site requirements in section 15.02, subsection A, except where specific landscape elements are required.
  2. *Landscaping adjacent to road.* All commercial, office and industrial developments shall comply with the requirements for landscaping adjacent to the road in section 15.02, subsection B.
  3. *Berm requirements.* A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with section 15.02, subsection B. The berm shall be located totally on private property, adjacent to the road right-of-way.
  4. *Screening.* Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a nonresidential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in section 15.02, subsection E. If a wall is used instead of landscaping, the requirements in section 15.08 shall be complied with.
  5. *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in section 15.02, subsection F.
- B. *Requirements for mobile home park districts.*
1. *General site landscaping.* A minimum of two deciduous or evergreen trees, plus, four shrubs shall be planted for each mobile home lot. Deciduous trees may be planted between the curb and sidewalk, or in any other unpaved open area. Unless otherwise specified, required landscaping elsewhere in the mobile home park shall not be counted in meeting these requirements for trees.
  2. *Landscaping adjacent to road.* All mobile home park developments shall comply with the requirements for landscaping adjacent to the road in section 15.02, subsection B.
  3. *Screening.* Screening in the form of a landscaped berm, greenbelt, or wall shall be required on all sides of a mobile home park. Landscaped screening shall comply with the requirements in section 15.02, subsection E. A wall may be used instead of landscaping adjacent to nonresidential districts subject to the requirements in section 15.08.
  4. *Landscaping around mobile homes.* Areas between or surrounding mobile homes, as well as other open areas, shall be covered with grass and landscaped with trees and shrubs. Any landscaping material used to satisfy the requirements of this subsection may also be counted toward meeting the requirements for general site landscaping specified above.
  5. *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in section 15.02, subsection F.
- C. *Requirements for multiple-family districts.* All lots or parcels of land located in the RM-1 or RM-2 zoning districts shall comply with the following landscaping requirements:
1. *General site landscaping.* A minimum of two deciduous or evergreen trees, plus, four shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple-family development shall not be counted in meeting these requirements for trees.
  2. *Landscaping adjacent to road.* All multiple-family developments shall comply with the requirements for landscaping adjacent to the road in section 15.02, subsection B.

3. *Berm requirements.* A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with section 15.02, subsection B. The berm shall be located totally on private property, adjacent to the road right-of-way.
  4. *Screening.* Screening in the form of a landscaped berm, greenbelt, or wall shall be required on all sides of a multiple-family development. Landscaped screening shall comply with the requirements in section 15.02, subsection E. A wall may be used instead of landscaping adjacent to nonresidential districts, subject to the requirements in section 15.08.
  5. *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in section 15.02, subsection F.
  6. *Privacy screen.* Where multiple-family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see illustration). The screen may consist of a combination of trees, shrubs, and berming, subject to review by the planning commission.
- D. *Requirements for nonresidential uses in residential districts.* All nonresidential uses developed in residential zoning districts shall comply with the following landscaping requirements:
1. *General site landscaping.* All developed portions of the site shall conform to the general site requirements in section 15.02, subsection A, except where specific landscape elements are required.
  2. *Landscaping adjacent to road.* All nonresidential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road in section 15.02, subsection B.



**PRIVACY SCREEN**  
**Section 15.03, subsections A—D**

3. *Berm requirements.* A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with section 15.02, subsection B. The berm shall be located totally on private property, adjacent to the road right-of-way.
4. *Screening.* Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a nonresidential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in section 15.02, subsection E.

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5. *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in section 15.02, subsection F.

(Ord. No. 190-18, § 2, 5-7-2018)

#### **Section 15.04. Standards for landscape materials.**

Unless otherwise specified, all landscape materials shall comply with the following standards:

- A. *Plant quality.* Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Oakland County, in conformance with the standards of the American Nursery and Landscape Association, and shall have passed inspections required under state regulations.
- B. *Nonliving plant material.* Plastic and other nonliving plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance.
- C. *Plant material specifications.* The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance. For the purposes of these specifications, "caliper" is the trunk diameter of a nursery tree in inches measured 12 inches above grade. "Diameter at breast height (DBH)" is the trunk diameter of a mature tree in inches measured 4½ feet above grade. Where a mature tree is on a slope, the 4½ foot measurement shall be made on the uphill side of the tree.
1. *Deciduous shade trees.* Deciduous shade trees shall be a minimum of 2½ inches caliper and the first branch shall be a minimum of four feet above grade when planted.
  2. *Deciduous ornamental trees.* Deciduous ornamental trees shall be a minimum of 1½ inches caliper with a minimum tree height of four feet above grade when planted.
  3. *Evergreen trees.* Evergreen trees shall be a minimum of five feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of 2½ feet, and the size of the burlapped root ball shall be at least ten times the caliper measured six inches above grade.
  4. *Shrubs.* Shrubs shall be a minimum of two feet in height when planted. Low growing shrubs shall have a minimum spread of 24 inches when planted.
  5. *Hedges.* Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two feet in height when planted.
  6. *Vines.* Vines shall be a minimum of 30 inches in length after one growing season.
  7. *Groundcover.* Groundcover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.
  8. *Grass.* Grass area shall be planted using species normally grown as permanent lawns in western Oakland County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.
  9. *Mulch.* Mulch used around trees, shrubs, and vines shall be a minimum of three inches deep, and installed in a manner as to present a finished appearance.



10. *Undesirable plant material.* Use of the following plant materials (or their clones or cultivars) is not encouraged because of susceptibility to storm drainage, disease, and other undesirable characteristics:

Box Elder;  
 American Elm;  
 Tree of Heaven;  
 European Barberry;  
 Northern Catalpa;  
 Poplar;  
 Willow;  
 Silver Maple.

(Ord. No. 13-14, pts. 2—4, 10-6-2014)

**Section 15.05. Installation and maintenance.**

The following standards shall be observed where installation and maintenance of landscape materials are required:

- A. *Installation.* Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

**SUMMARY OF PLANT MATERIAL SPECIFICATIONS<sup>1</sup>**

	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
Deciduous Shade Trees	2 ½	4 ft. to first branch	—	—
Deciduous Ornamental Trees	1 ½	4 ft. tree height	—	—
Evergreen Trees	—	5 ft. tree height	2.5 ft.	—
Shrubs	—	2 ft. shrub height	2.0 ft.	—
Hedges	—	2 ft. hedge height	—	—
Vines	—	—	—	30 in. after one season

Footnote:

<sup>1</sup>See section 15.04 for detailed requirements.

- B. *Installation of perimeter landscaping.* Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.

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- C. *Seeding or sodding.* Lots or parcels shall be seeded or sodded within 90 days after occupancy.
  - D. *Protection from vehicles.* Landscaping shall be protected from vehicles through use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt, and other hazards.
  - E. *Off-season planting requirements.* If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with article 17.00.
  - F. *Maintenance.*
    - 1. Landscaping required by this Ordinance shall be maintained in a healthy, neat and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the building official, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.
    - 2. All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within 300 feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.
    - 3. All constructed or manufactured landscape elements, such as but not limited to, benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

(Ord. No. 13-14, pt. 5, 10-6-2014)

### **Section 15.06. Treatment of existing plant material.**

The following regulations shall apply to existing plant material:

- A. *Consideration of existing elements in the landscape design.*
  - 1. In instances where healthy plant material exists on a site prior to its development, the planning commission may permit substitution of such plant material in place of the requirements set forth previously in this section, provided such substitution is in keeping with the spirit and intent of this article and this Ordinance in general.
  - 2. Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this section.
- B. *Preservation of existing plant material.* Site plans shall comply with the tree protection ordinance (chapter 18, article VI of the Township Code of Ordinances) with respect to inventorying trees, measures taken to protect trees during construction, tree replacement, and other applicable requirements.

(Ord. No. 13-14, pt. 6, 10-6-2014)

### **Section 15.07. Modifications to landscape requirements.**

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the planning commission may modify the specific

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requirements outlined herein; provided that any such adjustment is in keeping with the intent of this article and Ordinance in general. In determining whether a modification is appropriate, the planning commission shall consider whether the following conditions exist:

- A. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
- B. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- C. The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of this Ordinance.

### **Section 15.08. Obscuring walls and fences.**

- A. *Obscuring wall standards.* Where permitted or required by this Ordinance, obscuring walls shall be subject to the following requirements:
  - 1. *Location.* Required obscuring walls shall be placed inside and adjacent to the lot line except in the following instances:
    - a. Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line.
    - b. Subject to planning commission approval, required walls in a nonresidential district may be located on the side of an alley right-of-way closest to the adjacent residential zone when mutually agreed upon by affected property owners and residents. The continuity of the required wall shall be considered by the planning commission in reviewing such requests.
  - 2. *Time of construction.* Wherever construction of an obscuring wall is required adjacent to residentially zoned or used property, the wall shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall.
  - 3. *Corner clearance.* Obscuring walls shall comply with the specifications for maintenance of unobstructed sight distance for drivers, section 12.09.
  - 4. *Substitution or waiver.*
    - a. As a substitute for a required obscuring wall, the planning commission may, in its review of the site plan, approve the use of other existing or proposed living or manmade landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. Any such substitute screening shall comply with the applicable requirements in section 15.02.
    - b. If a fence is approved by the planning commission as a suitable substitute for a required obscuring wall, the fence shall be constructed of redwood, cedar, or No. 1 pressure-treated wood. Chain link fences shall not be permitted for screening purposes.
    - c. The planning commission may waive the requirements for an obscuring wall upon making the determination that:
      - (1) The adjoining residential district is in transition and will become nonresidential in the future.
      - (2) Existing physical features provide adequate screening.

5. *Wall specifications.* Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.
6. *Height requirements.* For the uses and districts listed below, an obscuring wall shall be provided as specified along property lines that abut a residential district:

<u>Proposed Use</u>	<u>Wall Height Requirements</u>
P-1, Vehicular Parking District	4.5 feet
Off-Street Parking (other than P-1 District)	4.5 feet
Office or Commercial District	4.5 feet
Industrial and Research Office Districts	6-foot minimum, up to 8 feet to completely screen permitted storage, loading, and service areas
Utility Buildings, Substations	6 feet

**Section 15.09. Walls in residential districts.**

- A. *General standards.* Walls shall be permitted in residential districts, subject to the standards for location and height set forth in section 12.16. Walls in residential districts shall be constructed of masonry material that is architecturally compatible with the materials on the facade of the principal structure, such as face brick or decorative block.
- B. *Entranceway structures.* Entranceway structures, such as walls, columns, or gates shall be permitted at the entrance to a residential or nonresidential subdivision or condominium development, industrial park, or business park, or business park, subject to the following conditions:
  1. Entranceway structures shall be located on private property outside of the road right-of-way, except that such structures may be located in the median of a boulevard entrance to a subdivision or other residential development (in the road right-of-way), subject to approval by the Road Commission for Oakland County and subject to compliance with the unobstructed sight distance standards in section 12.08, subsection A.4. Entranceway structures located on private property may be within the required front setback area.
  2. Entranceway structures shall not exceed five feet in height and 60 square feet in size.
  3. Approval of the building official and issuance of a building permit shall be required prior to construction.

**ARTICLE 16.00 SIGNS<sup>2</sup>**

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<sup>2</sup>Editor's note(s)—Ord. No. 06-20, § 1, adopted August 5, 2020, amended article 16.00 in its entirety to read as herein set out. Former article 16.00, §§ 16.01—16.08, pertained to similar subject matter, and derived from Ord. No. 01-13, adopted January 7, 2013 and Ord. No. 05-17, adopted November 6, 2017 and Ord. No. 190-18, adopted May 7, 2018.

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## Section 16.01. Purpose and intent.

Signs may be erected or maintained in Lyon Township only as permitted by this article and subject to other restrictions contained in this Code. The sign regulations in this article are intended to balance the public and private interests and to promote a safe, well-maintained, vibrant, and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. The sign regulations of this article are intended to ensure that signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare while allowing adequate communication.

The following municipal interests are considered by the township to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events intended to promote an important government interest that would not be effectively achieved absent the regulation. Regulating the size and location of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and property identification for emergency response and wayfinding purposes:

- A. *Pedestrian and vehicular safety.* Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the township, with particular emphasis on the safety of pedestrians. The sidewalk network provides facilities for pedestrians in the township, even in automobile-oriented commercial areas. The township recognizes that pedestrian traffic in the commercial areas leads to retail sales and it serves a variety of business, entertainment, government, and residential uses in the districts. In addition, the township also accommodates automobile-oriented businesses and other land uses that generate motor vehicle trips.

Since most signage is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions from vigilance for traffic and pedestrian safety, this Ordinance is intended to regulate signs such as to reduce such distractions and, in turn, reduce the risk for crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in these districts.

1. The township encourages signage that will inform pedestrians regarding their desired locations without conflicting with other structures and improvements in these districts, while concurrently allowing effective signage for motorists. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks where relevant, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.
2. In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on busy thoroughfares.
3. In multi-tenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of road frontage, and the like, all intending to provide clarity to alleviate confusion and thus additional traffic maneuvers, provide a minimum size of characters to allow identification, and maintain maximum-sized overall signage to prevent line-of-sight issues.
4. Maximum size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.

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- B. *Character and quality of life.* Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the township. This Ordinance intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the township's character and support neighborhood stability. Signs that promote potential vehicular and pedestrian conflict, hinder sight distance, and distract from the pedestrian experience will be prohibited in efforts to preserve the character and unique experience within the township. Also, the intent of this Ordinance is that signs will reflect the character of unique districts as may be established by the township's master plan, other adopted plans or the Zoning Ordinance.
- C. *Economic development and property values.* It is found and determined that there is a clear relationship between the promotion of a set of specifications and restrictions for signage and the promotion of economic development, recognizing that unregulated and haphazard determinations concerning the size, location, and other characteristics of signs has a realistic tendency to result in an appearance that reduces economic development, and, in the long-term, property values. In addition, the establishment of the restrictions in this Ordinance has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promote business success. The application of the restrictions in this Ordinance allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visuals, including types of business, landscaping, and architecture, all promoting economic development and property value enhancement.
- D. *Avoidance of nuisance-like conditions.* Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the township, recognizing that such conditions tend to create nuisance-like conditions contrary to the public welfare. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are compelling and important and are necessary for the maintenance and well-being of positive conditions, good character and quality of life in the township. Ultimately, these regulations are compelling and important for the protection of all police power values.
1. An excessive number of signs in one location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, and establishing setbacks from property lines is a compelling interest that can be directed with minimum regulation.
  2. Signs that are too large and not properly spaced can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes and locations can be the subject of clear and effective regulations that address this compelling and important interest.
  3. Requiring minimum construction and maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures. These requirements can be enforced with efficient and low discretion application and review.
  4. The sign ordinance is designed to prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. A framework that enables the selection of proper fixture types and location, use of supportive lighting technology, and control of light levels in a reasonable fashion is consistent with regulations that are narrowly tailored to achieve the township's interests.

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- A. *Property identification for emergency response and wayfinding purposes.* Locating a business or residence by emergency police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property, and sign specifications for such wayfinding can be coordinated with property identification for emergency purposes.
  - B. *Protection of the right to receive and convey messages.* The important governmental interests contained herein are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this Ordinance is intended to prohibit the right to convey and receive messages, particularly noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution.
  - C. *Ease of administration.* To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to understand and follow.

(Ord. No. 06-20, § 1, 8-5-2020)

## **Section 16.02. Definitions.**

The following words and phrases shall have the meanings set forth in this article when they are used in this article:

- A. *Sign definitions, sign types.* The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:
  - 1. *Air-activated signs.* A sign that is inflated by air or uses air flow to induce movement. Inflatable objects used for signs are often made of flexible fabric and are equipped with a motor to blow air into the object. Air-activated signs are typically temporary and are restrained, attached, or held in place by a cord, rope, cable, or similar method, but can be permanent.
  - 2. *Animated sign.* A sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or oscillating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alters in appearance to depict action, create an image of a living creature or person, or create a special effect or scene. This definition does not include changeable-copy signs and electronic message center (EMC) signs that comply with this article.
  - 3. *Awning sign.* A permanent sign painted or screen printed on the exterior surface of an awning.



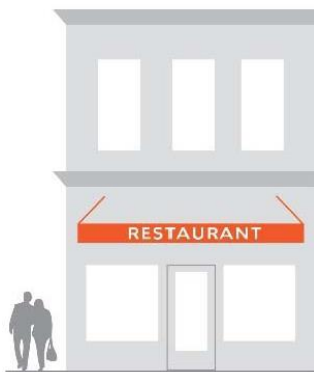
Figure 1: Awning Sign

4. *Banner sign.* A temporary sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached flat against a permanent sign face or strung between two poles or structures.



Figure 2: Banner Sign

5. *Bench sign.* A sign applied to or affixed to the seat or back of a bench.
6. *Billboard sign.* A large sign erected, maintained, and used for the purpose of displaying messages that can be seen from a long distance or read from a vehicle traveling at high speeds. A billboard sign differs from a freestanding size based on its size. A billboard sign is typically 200 square feet or greater in size.
7. *Canopy sign.* A permanent projecting sign affixed to the side or bottom surface(s) of an attached canopy.





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Figure 3: Canopy Sign

8. *Changeable-copy sign.* A permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means or manually through placement of copy and symbols on a panel mounted in or on a track system.
9. *Display board.* An accessory sign displayed near a public building entrance either on the building or on a freestanding podium. Display boards are intended to be viewed at close proximity. Examples include displaying menus, special sales, and descriptions of goods or services provided within the building.



Figure 4:  
Display Board

10. *Electronic message center (EMC) sign.* An electrically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed. EMCs typically use light emitting diodes (LEDs) as lighting sources.
11. *Entranceway signs.* A sign placed at a major entrance to a development consisting of multiple users, parcels, lots, or a combination of each. Entranceway signs are often integrated into freestanding walls, columns, boulders, or other distinguishing features unique to the development.

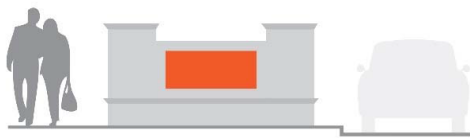


Figure 5: Entranceway Sign

12. *Festoons.* A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.

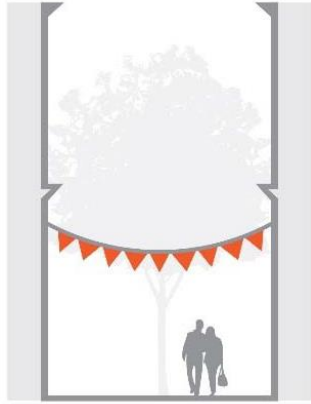


Figure 6: Festoons

13. *Flag.* A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole. Flags are typically supported on one side of the sign. Flags are not considered air-activated signs for the purposes of this Ordinance.



Figure 7: Flag

14. *Freestanding sign.* A sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include monument signs, but do not include billboards.

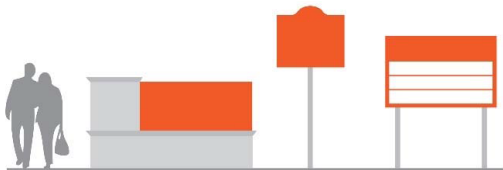


Figure 8: Freestanding Sign

15. *Incidental sign.* A small sign, usually two square feet or less, designed and located to be viewed by persons on a property and are generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs,

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signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity.

16. *Interior sign.* A sign placed within a building, but not including a window sign as defined by this Ordinance, that is not visible from any public street, sidewalk, alley, park or public property.
17. *Marquee sign.* A type of projecting sign typically mounted parallel to the building façade in a vertical manner. Marquee signs often include a changeable copy component in addition to the display of a permanent message but are not required to have changeable copy.



Figure 9: Marquee Sign

18. *Monument sign.* A base-mounted, freestanding sign placed on the ground and not attached to any building or other structure. A monument sign includes a solid supporting base of at least 24 inches in height and a width equal to or greater than the width of the sign face. Monument signs are constructed of a decorative and durable material (e.g., masonry), and shall have no separations between the sign face and the base.

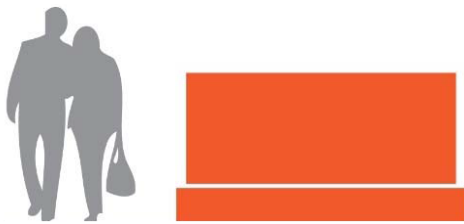


Figure 10: Monument Sign

19. *Nit.* A measure of luminance equal to one candela per square meter.
20. *Nonconforming sign.* A sign that was lawfully permitted at the time it was erected but is not permitted under current law.
21. *Permanent sign.* A sign constructed of durable materials intended to withstand prolonged exposure to exterior elements. Permanent signs are affixed to the ground or a structure by means of footings beneath the ground surface, bolts or screws into a structure, or other method intended to ensure the sign is displayed for an extended period of time with minimal maintenance or replacement of parts.

- 22. *Portable sign.* A temporary sign designed to be easily movable. Portable signs are typically held in place during the period of display by sandbags, blocks, or other easily movable anchor.
- 23. *Projecting sign.* A sign attached to a building or other structure and extending beyond the attachment surface by more than 18 inches. A "projecting sign" is differentiated from a "wall sign" based on the distance the sign projects from the surface of the building. "awning signs," "canopy signs," "blade signs" and "marquee signs" are types of projecting signs.



Figure 11: Projecting Sign

- 24. *Roof sign.* A sign that is erected, constructed, and maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet is considered a "wall sign."
- 25. *Sandwich board sign.* A temporary sign that is not permanently anchored or secured to either a building, structure, or the ground. Often referred to as "sidewalk signs," sandwich board signs include, but are not limited to, "A" frame, "T" shaped, or inverted "T" shaped stands.



Figure 12: Sandwich Board Sign

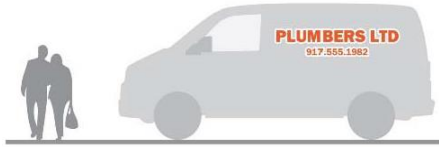
- 26. *Temporary sign.* A display sign, banner or other device constructed of cloth, canvas, fabric, plastic or other light temporary materials, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or a building.
- 27. *Transported sign.* A sign attached to or pulled by a vehicle that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "portable sign" does not constitute a "vehicle sign."



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**Figure 13: Transported Sign**

28. *Vehicle sign.* A sign, painted or otherwise, attached to an operable vehicle that is regularly used and moved, including signs on a truck trailer. A "vehicle sign" does not constitute a "transported sign."



*Figure 14: Vehicle Sign*

29. *Wall sign.* A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than 18 inches from the wall and which does not project above the roof or parapet line. A "wall sign" shall also include a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet. Any other sign upon, against, or above the roof or parapet of a building or any portion thereof is defined as a "roof sign."



*Wall Sign*

30. *Window sign.* A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.



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Figure 16: Window Sign

31. *Yard sign.* A small temporary sign typically used for non-commercial purposes. Yard signs are characterized by a wire frame, non-durable message surface such as cardboard or paper, and are often inserted into a lawn with wire posts. Although variations exist to the materials of the frame and message board, a consistent physical characteristic is its temporary and disposable nature.



Figure 17: Yard Sign

B. *Definitions, general.*

1. *Alteration.* Any change in size, shape, height, or type which changes the appearance of a sign or its structure, or a change in position, location, construction, or supporting structure of a sign.
2. *Building frontage.* The length of the front (entry) portion of a building occupied by a single tenant, often facing a street fronting to the premises on which the tenants are located.
3. *Glare.* Light emitting from a luminaire with intensity enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.
4. *Grade.* The average elevation of an area within a radius (of the sign base) equal to two times the height of the sign, based on the highest and lowest measurements.
5. *Height, maximum.* Shall be measured from grade to the highest edge of the sign surface or its projecting structure.
6. *Height, minimum.* Shall be measured from grade to the lowest edge of the sign surface or its projecting structure.
7. *Lot, zoning.* A single tract of land, located within a single block, which at the time of filing for a sign 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.
8. *Luminaire.* A luminaire is a complete lighting system, which includes a lamp or lamps and a fixture.
9. *Owner.* A person, firm, partnership, association, company, or corporation, or any other legal entity, and/or its legal successors, heirs, and assigns.
10. *Premises.* The contiguous land in the same ownership or control which is not divided by a public street.
11. *Sign.* Any display or object which is primarily used to identify or display information or direct or attract attention by any means which is visible from any public street, sidewalk, alley, park, or public property and is otherwise located or set upon or in a building, structure or piece of land. The definition does not include goods displayed in a window.
12. *Sign area.* The entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar

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character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed.

(Ord. No. 06-20, § 1, 8-5-2020)

### **Section 16.03. Sign design standards in all zoning districts.**

#### **A. Construction standards.**

1. *General requirements.* All signs shall be designed and constructed in a safe and stable manner in accordance with the township's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.
2. *Framework.* All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached to be totally screened from view.

#### **B. Illumination.**

1. *General requirements.* Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Temporary signs shall not be illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in this article.
2. *Illumination. Glare shall be reduced/minimized in such a manner as to maintain an appropriate level of contrast during the day.* An automatic dimmer shall be required to control brightness at night, and to reduce drive distraction and light trespass into residential areas. A photometric plan which identifies the proposed illumination levels (in foot candles) shall be provided. Illumination levels shall not exceed 0.5 foot candles at the property line, measured five feet from the ground.
3. *Non-glare, shielded lighting.* Use of glaring undiffused lights or bulbs is expressly prohibited. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses or districts.
4. *Bare bulb illumination.* Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on electronic changeable copy signs and theatre marquees.

#### **C. Electronic message signs.** Electronic message signs may be permitted on monument signs and billboards in non-residential and appropriately zoned districts subject to the standards of this section and the following regulations:

1. *Frequency of change.* Signs with the ability to change displays shall not change more frequently than one time per ten seconds. Animated signs are expressly prohibited.
2. *Manner of change.* Signs with the ability to change displays must be designed to change the display instantaneously. Flashing, scrolling, fading, dissolving, oscillating, spinning, twirling, video display, or other type of motion are expressly prohibited.
3. *Internal illumination.* Electronic message signs shall not emit more than 5,000 nits in full daylight and 100 nits during night hours, which commence no later than one hour after sunset and extend through no earlier than sunrise. The displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels. All electronic message signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance with township code or other applicable law, the interface that programs an electronic message sign shall be made available to township staff for inspection upon

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- request. If the interface is not or cannot be made available upon the township's request, the sign shall cease operation until the township has been provided proof of compliance with township code.
4. *Rendering.* A color rendering of the display shall be provided for consideration of the planning commission during site plan review, and the planner and building official during an administrative review.
  5. *Area.* An electronic changeable copy or electronic graphic display area shall not exceed more than 80 percent of the actual sign area of any monument sign or 100 percent of a billboard sign.
  6. *Integration into sign.* The electronic changeable copy or electronic graphic display areas on monument and billboard signs shall be part of the same sign face as a monument or billboard sign without electronic display technology and shall be integrated into the face of such sign by use of a border or similar design treatment that provides a visual linkage to the remainder of the sign.
  7. *Default.* All electronic message signs shall default to an unlit black screen if 50 percent or more of the light source fails or if the light source otherwise is not displaying properly.
- D. *Sign measurement.* The total sign area is to be expressed in square feet and shall be computed as herein set forth.
1. Single face sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle, oval, or circle encompassing the extreme limits of an individual letter(s), word(s) message(s), representations, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
  2. Double-face signs having two faces of equal size arranged and/or positioned back to back and parallel, or with the faces at an included angle of not more than 30 degrees in the plain or vertical views the area of the sign, shall be computed as one-half of the total area of the two faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face. When signs have three to four faces of equal size arranged and/or positioned with the faces at an angle of more than 30 degrees in the plain or vertical view, the area of the sign shall be computed as the total area of the largest two faces. The area of three-dimensional signs shall be measured by computing the total area of the largest two faces measured at a two-dimensional view.
  3. When two single-face wall signs are arranged and/or positioned within 36 inches of each other, the area of the two signs shall be computed as one single face sign and total area shall include the open space between the two separate faces.
  4. The height of the sign shall be measured from grade. The maximum sign height shall be measured from grade to the top of the sign. The minimum height, if applicable, shall be measured from grade to the bottom of the sign.
- E. *Sign location.*
1. *Right-of-way prohibited.* 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 or dedicated public easement.
  2. *Clear vision triangle area prohibited.* No sign shall be in the clear vision triangle area described in section 12.09 of the Zoning Ordinance.
  3. *Projections.* Unless otherwise stated, no sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than 18 inches and shall not project above or beyond the highest point in the roof or parapet.



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4. *Safety.* No sign shall be permitted at any location that, in the discretion of the building official, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. In making this determination, the building official shall cite any relevant building or electrical codes, provisions of this Ordinance or other township ordinances, and/or findings or studies of the Oakland County Sherriff Department and/or a traffic engineer.
  5. *Liability insurance.* If any wall, projecting, pole or roof sign is suspended over a public street or property or if the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street property line or parapet wall and so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a commercial general liability insurance policy in the amount of \$1,000,000.00. The commercial general liability insurance policy shall include an endorsement, or policy language, naming the township as an additional insured.
- F. *Landscaping.* The area surrounding signs shall be landscaped to match the design characteristics of the site. The landscaping shall be maintained such that the sign remains visible to passing motorists.

(Ord. No. 06-20, § 1, 8-5-2020)

#### **Section 16.04. Signs exempt from permits.**

The following signs shall be permitted in all zoning districts according to the regulations of this Ordinance and subject to the following provisions. No permit shall be required for signs enumerated below unless otherwise stated. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, maintenance, and removal:

- A. Address numbers, being essential for public safety and emergency response, with a numeral height no greater than six inches for each dwelling unit and 18 inches for any other use, including multiple-family buildings.
- B. Nameplates, not to exceed two square feet.
- C. Historical markers and plaques up to 48 square feet.
- D. Temporary signage in accordance with section 16.06 unless otherwise stated in this Ordinance.
- E. Any sign required by the township to notice a required public hearing, to be erected, displayed, and removed according to the requirements of the township.
- F. Signs erected on a township, county, state, or federal building or land by the authorized public agency.
- G. Incidental signs, not to exceed two square feet.
- H. Interior signs.
- I. Any lawful sign in a public or private right-of-way installed by an authorized public agency, including but not limited to, street signs and address signs.
- J. Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- K. Flags, not to exceed 48 square feet.
- L. Window signs, not to exceed 25 percent of the total window area of the façade facing a road. Window signs must be placed in a manner to ensure visibility into the building for public safety.
- M. Vehicle signs, where the vehicle on which the sign is displayed does not regularly go unoperated for a period exceeding seven consecutive days.

- N. Signs displaying noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution; provided, however, said signs shall comply with the number and size regulations in the applicable zoning district.

(Ord. No. 06-20, § 1, 8-5-2020)

**Section 16.05. Prohibited signs in all zoning districts.**

The following signs are prohibited in all zoning districts, notwithstanding anything to the contrary in this article:

- A. Any sign not expressly permitted.
- B. Animated signs (including revolving signs and rotating signs) and signs that incorporate moving features, except for changeable-copy signs explicitly permitted in this article.
- C. Festoons, except those approved in conjunction with a temporary land use permit.
- D. Air-activated signs and balloon signs, except those approved in conjunction with a temporary land use permit.
- E. Any sign that is deemed structurally or electrically unsafe by the building official.
- F. Support pole signs, including signs attached to light poles, utility poles, street signpost, and trees. Prohibited support pole signs shall not include support pole signs lawfully installed by an authorized public entity.
- G. Transported signs unless the vehicle with the transported sign is operating lawfully in a public or private road.
- H. Roof signs.
- I. Bench signs, not including permanently mounted plaques intended to be read at close proximity.
- J. Projector-image signs.
- K. Costume signs. The basis of prohibiting costume signs is that the movement and proliferation of costume signs would degrade traffic safety through the creation of visual distractions.
- L. Any sign located in a public or private right-of-way, unless permitted by the road agency or explicitly permitted elsewhere in this Ordinance.
- M. Neon, LED, or other light types permanently outlining windows or doors.
- N. Signs intended to mimic traffic control or emergency services signage. These signs are considered hazards detrimental to pedestrian and vehicular travel and to the public safety and welfare.

(Ord. No. 06-20, § 1, 8-5-2020)

**Section 16.06. Zoning district regulations.**

- A. *Permanent sign regulations applicable to the R-1.0, R-0.5, R-0.3, RM-1, RM-2 and MHP districts.*

Sign Type	Sign Regulations: Single-family, duplex, triplex, and quadplex lots only	Sign Regulations: Residential Developments [e.g., subdivisions, site condominiums, multi-family, and mobile home parks] and Permitted Non-Residential Uses only
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Monument Signs	Not Permitted	Permitted Use: Monument signs shall only be permitted for permitted non-residential uses.
		Maximum Number: 1 per frontage of a lot or development.
		Maximum Height: Six feet.
		Maximum Area: 48 square feet
		Minimum Setback: 15 feet from right-of-way.
Entranceway Signs	Not Permitted	Permitted Use: Entranceway signs shall only be permitted for residential developments.
		Maximum Number: One per side of an entrance or exit drive.
		Maximum Height: Sign structure shall not exceed eight feet. Message area and shall not exceed four feet.
		Maximum Area: Message area shall not exceed 48 square feet. Sign structure may exceed this area; entranceway signs are commonly incorporated into walls, gateways, columns, or other design element consistent with the character of the development.
		Location: No part of an entranceway sign shall be installed in a road right-of-way unless consent is given in writing by the entity with jurisdiction over the right-of-way. If a sign is located within the right-of-way, the property owner shall execute a recordable document ensuring the sign will be removed at the owner's expense if the road is widened to encompass the land on which the sign is located.
		Boulevard Island Option: An entranceway sign may be located on a landscaped boulevard island, provided that: <ul style="list-style-type: none"> <li>• The nearest edge of the sign must be set back a minimum of ten feet from the right-of-way of the intersecting street.</li> <li>• Such signs shall comply with the requirements related to unobstructed sight distance in section 12.09 so as to maintain visibility for drivers.</li> <li>• If sign is in the road right-of-way, then a copy of the permit from the Road Commission for Oakland County must be submitted.</li> </ul>
Wall Signs	Permitted Use: Wall signs may only be used in conjunction with permitted non-residential uses (including approved home occupations).	
	Maximum Number: 1 per lot	
	Maximum Area: Two square feet	
	Internal Illumination: Internal illumination is prohibited.	

B. *Temporary sign regulations applicable to the R-1.0, R-0.5, R-0.3, RM-1, RM-2 and MHP districts.*

Sign Type	Sign Regulations: Single-family, duplex, triplex, and quadplex lots only	Sign Regulations: Residential Developments [e.g., subdivisions, site condominiums, multi-family, and mobile home parks] and Permitted Non-Residential Uses only
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Banner Signs	Not Permitted	Maximum Number: 1 banner is permitted per model home in a residential development.
		Maximum Area: 32 square feet
		Maximum Duration: 30 days per six-month period.
Portable Signs	Not Permitted	Maximum Number: For residential developments, up to one portable sign may be placed for each common amenity property maintained by the association.
		Maximum Height: Three feet
		Maximum Area: Six square feet.
		Location: For residential developments, signs shall be placed on common amenity property with approval of the recognized association in charge of maintaining the property.
		Duration of Display: Seven days per month; may be displayed on consecutive days.
Yard Signs	Maximum Number: Unlimited so long as total square footage does not exceed 24 square feet.	
	Maximum Height: 4 feet.	
	Maximum Area: 24 square feet total; six square feet per sign.	
	Minimum Setback: Five feet from any lot line.	

C. *Permanent sign regulations applicable to the O-1, B-2, B-3, I-1, I-2, and RO Districts.*

Sign Type	Sign Regulations
Monument Signs	Maximum Number: One per road frontage of a lot or development.
	Maximum Height: 6 feet.
	Maximum Area: 1.5 square feet per foot of road frontage, up to 48 square feet. Signs up to 64 square feet in area may be permitted in the following instances: <ul style="list-style-type: none"> <li>• Where the property is east of the New Hudson Zoning District and the sign is located on Grand River Avenue road frontage; or</li> <li>• The road frontage on which the sign is placed exceeds 450 feet in length.</li> </ul>
	Required Setback: 15 feet from existing right-of-way or access easement, and 25 feet from the right-of-way of an interstate freeway. Signs in a planned right-of-way, published by the RCOC, may only be permitted with an executed and recordable document ensuring the sign will be removed/relocated at the owner's expense if the right-of-way is expanded to encompass the land on which the sign is located.
	Setback from Residential Districts: 50 feet from district boundary.
	Parcels with I-96 Frontage: Monument signs shall not be permitted to face I-96.
	Signs in a boulevard island: The required setback is reduced to ten feet from the right-of-way when a sign is placed in a landscaped island and must comply with the sight distance and clear vision requirements in Section 12.08.
Entranceway Signs	Permitted Use: Entranceway signs shall only be permitted in instances where multiple businesses utilize a common entranceway, such as an industrial park, shopping center, or similar multi-user development.
	Maximum Number: 1 per side of an entrance or exit drive commonly utilized by the public.
	Maximum Height: Sign structure shall not exceed 8 feet. Message area shall not exceed 4 feet.

	Maximum Area: Message area shall not exceed 64 square feet. Sign structure may exceed this area; entranceway signs are commonly incorporated into walls, gateways, columns, or other design element consistent with the character of the development.
	Location: No part of an entranceway sign shall be installed in a road right-of-way unless consent is given in writing by the entity with jurisdiction over the right-of-way. If a sign is located within the right-of-way, the property owner shall execute a recordable document ensuring the sign will be removed at the owner's expense if the road is widened to encompass the land on which the sign is located.
	Boulevard Island Option: An entranceway sign may be located on a landscaped boulevard island, provided that: <ul style="list-style-type: none"> <li>• The nearest edge of the sign must be set back a minimum of ten feet from the right-of-way of the intersecting street.</li> <li>• Such signs shall comply with the requirements related to unobstructed sight distance in Section 12.09 to maintain visibility for drivers.</li> </ul> If sign is in the road right-of-way, then a copy of the permit from the Road Commission for Oakland County must be submitted.
Incidental Signs	Maximum Number: 1 per vehicular entrance or exit, plus 1 per 100 linear feet of driveway, measured from the right-of-way.
	Maximum Height: Four feet.
	Maximum Area: Six square feet
	Location: Must be placed within six feet of a driveway or sidewalk; may not be closer than 15 feet from planned right-of-way.
Billboard Signs	Location Permitted: I-1 Light Industrial and B-3 General Commercial on parcels with frontage along Interstate I-96.
	Maximum Size: 672 square feet per sign face.
	Maximum Height: 35 feet from grade.
	Setbacks: Zero feet along any property line adjacent to an interstate right-of-way line; all other setbacks for the district apply. The sign shall not project over the property line.
	Distance from Other Billboards: Minimum 1,500 feet between billboards.
	Distance from Other Signs: Minimum 100 feet between a billboard and any other permitted sign on a lot.
	Placement: Billboards shall not be located on or over the roofs of buildings.
	Number: The maximum number of permitted billboard faces in the Township at any time is twelve (12).
	Electronic Display: Electronic changeable copy, electronic graphic display, and multi-vision or tri-vision signs may be permitted, subject to the provisions in Subsection 16.03.C.
Wall Signs	Maximum Number: <ul style="list-style-type: none"> <li>• For single-tenant structures, 1 wall sign may be located on each side of a building that faces a street or highway.</li> <li>• For multi-tenant structures or shopping centers: tenants with individual access are permitted one sign each; tenants with shared/common access are permitted one sign per entrance.</li> </ul>
	Maximum Sign Height: The top of a wall sign shall not be higher than whichever is lowest: <ul style="list-style-type: none"> <li>• The maximum height specified for the district in which the sign is located.</li> </ul>

	<ul style="list-style-type: none"> <li>• The top of the sills at the first level on windows above the first story.</li> <li>• The height of the building facing the street on which the sign is located.</li> </ul>
	Maximum Vertical Dimension: The maximum vertical dimension of any wall sign shall not exceed one-third of the building height.
	Maximum Horizontal Dimension: The maximum horizontal dimension of any wall-mounted sign shall not exceed three-fourths of the width of the building.
	Maximum Area: <ul style="list-style-type: none"> <li>• 1.5 square feet per linear foot of building facade, not to exceed 48 square feet. For multi-tenant structures or shopping centers: tenants with individual access are permitted up to 48 square feet per sign based on the façade length of the occupied suite; sign area should be allocated on an equal basis for signs for tenants with shared/common access.</li> </ul>
	Parcels with I-96 Frontage: One wall sign is permitted to face I-96.
	Window Signs: Shall not exceed one-third of the total window area of a façade. Window signs are included in the total permissible wall sign area.
	Marquee Signs: Marquee signs must maintain a minimum of ten feet vertical clearance beneath any marquee. Marquee signs are included in the calculation for total permitted wall signage.
Awnings and canopies	Coverage: The total area of the lettering and logo shall not exceed 25 percent of the total area of the awning or canopy that is visible from the street.
	Compliance with size requirements for wall signs: The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
Projecting Signs	Maximum Number: 1 per public entrance, spaced a minimum of 20 feet apart.
	Placement: Projecting signs must be installed at a 90-degree angle from the building wall, at least 10 feet above the sidewalk and below the second story windowsill or roofline of the building, whichever is lower.
	Maximum Area: 12 square feet per sign face, maximum of 2 faces each sign.

D. *Temporary sign regulations applicable to the O-1, B-2, B-3, I-1, I-2, and RO districts.*

Sign Type	Sign Regulations
Banner Signs	Maximum Number: 1 per business.
	Maximum Area: 32 square feet or the area of the permanent sign if temporarily covering the permanent sign.
	Maximum Duration: 14 days per 12-month period.
Flag	Maximum Number: 1 per lot.
	Maximum Area: 48 square feet
Yard Signs	Maximum Number: 24 square feet total; 6 square feet per sign.
	Maximum Height: 4 feet.
	Maximum Area (Total): 24 square feet
	Minimum Setback: 10 feet from any lot line.
Sandwich Board Signs	Districts Permitted: O-1 Office and B-2 Community Business
	Maximum Number: One per business with individual access to a sidewalk.
	Maximum Height: Three feet
	Maximum Area: Six square feet

	Location: Within 15 feet of the primary building entrance door; location must allow more than five feet of clearance for pedestrian circulation on a sidewalk. Signs shall not be placed in a right-of-way.
	Duration of Display: Signs may be displayed up to one hour before and after business hours.
	Manner of Display: A sandwich board sign shall be internally weighted to ensure stability and prevent unintentional movement or conflict with pedestrians.

E. *Permanent sign regulations applicable to the New Hudson and MU districts.*

Sign Type	Sign Regulations
Monument Signs	Permitted Location: Monument signs shall be permitted only on lots where there is an existing building that is set back at least 15 feet from the front property line.
	Maximum Number: A maximum of one monument sign shall be permitted per parcel. A monument sign shall not be permitted on the same site as a projecting sign or pole sign.
	Maximum Area: 20 square feet.
	Maximum Height: Six feet.
	Location: <ul style="list-style-type: none"> <li>No part of the sign or sign support shall be closer than five feet to a street right-of-way line.</li> <li>No part of the sign or sign support shall be closer than five feet to any property line, except where an adjoining parcel is occupied by a ground floor residence, in which case the setback shall be 20 feet.</li> <li>A monument sign shall not be permitted where it would obstruct parking or traffic maneuvering aisles or obstruct the vision of drivers.</li> </ul>
	Illumination: Monument signs may not be internally illuminated. Halo-lit channel letters or ground-mounted up-lighting are permitted.
Awning and Canopy signs	Maximum Area: Sign lettering or logos shall comprise no more than 30 percent of the total exterior surface of an awning or canopy.
	Illumination: Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited.
	Design Standards: <ul style="list-style-type: none"> <li>UV-resistant architectural fabric, in matte finish, suitable for outdoor use must be used and shall cover the front of the awning frame.</li> <li>The awning frame shall be constructed of steel or aluminum.</li> <li>Wind and snow load capacities shall be provided to the township as part of the permit process. Applicants should obtain wind and snow load capacities from the product manufacturer.</li> </ul>
	Maintenance: Torn, frayed, ripped, faded, stained, soiled, or dirty awnings shall be replaced immediately.
Marquee Signs	Permitted Uses: Permitted only in conjunction with an approved theater, cinema, or performing arts facility.
	Maximum Number: One marquee shall be permitted per street frontage.
	Maximum Area: The total size of a marquee sign, not including a changeable message board component, shall not exceed one and one-half square feet per lineal foot of building frontage. The area of permanent lettering shall be counted towards the total wall signage for the building.

	Changeable Copy: A changeable message board component of a marquee sign shall not exceed one and one-half square feet per lineal foot of building frontage or 64 square feet, whichever is less. The changeable message board area shall not be counted towards the total wall signage for the building. The changeable message board may be electronic or manual in nature and shall comply with the applicable standards in this Ordinance.
	Vertical Clearance: A minimum vertical clearance of ten feet shall be provided beneath any marquee.
Projecting Signs	Maximum Number: One sign per public entrance; each sign may have two faces.
	Maximum Area: 12 square feet per sign face.
	Vertical Clearance: A minimum vertical clearance of ten feet shall be provided beneath projecting sign.
	Mounting Hardware: Mounting hardware shall be an integral part of the sign design. Decorative or ornamental hardware is encouraged.
Display Boards	Maximum Number: One board per public entrance.
	Maximum Area: Six square feet.
	Manner of Display: Display boards shall be located in a permanently mounted display box on the surface of the building adjacent to an entry or on a freestanding podium which permits five feet of pedestrian circulation.
Plaque Signs	Maximum Number: One per public building entrance.
	Maximum Area: Two square feet.
	Maximum Projection: Three inches from wall surfaces.
Wall Signs	Maximum Number: <ul style="list-style-type: none"> <li>• For single-tenant structures, one wall sign may be located on each side of a building that faces a street or highway.</li> <li>• For multi-tenant structures or shopping centers: Tenants with individual access are permitted one sign each; tenants with shared/common access are permitted one sign per entrance.</li> </ul>
	Sign Location: Wall signs should be located on the upper portion of the storefront at the street level.
	Maximum Sign Height: The top of a wall sign shall not be higher than whichever is lowest: <ul style="list-style-type: none"> <li>• The maximum height specified for the district in which the sign is located.</li> <li>• The top of the sills at the first level on windows above the first story.</li> <li>• The height of the building facing the street on which the sign is located.</li> </ul>
	Maximum Horizontal Dimension: The maximum horizontal dimension of any wall-mounted sign shall not exceed three-fourths of the width of the building or in the case of a multi-tenant building, the individual storefront.
	Maximum Area: <p>1.5 square feet per linear foot of building facade, not to exceed 48 square feet</p> <p>For multi-tenant structures or shopping centers: Tenants with individual access are permitted up to 48 square feet per sign based on the façade length of the occupied suite; sign area should be allocated on an equal basis for signs for tenants with shared/common access.</p>
	Window Signs: Shall not exceed one-third of the total window area of a façade. Window signs are included in the total permissible wall sign area.
	Marquee Signs: Marquee signs must maintain a minimum of ten feet vertical clearance beneath any marquee. Marquee signs are included in the calculation for total permitted wall signage.



F. *Temporary sign regulations applicable to the New Hudson and MU districts.*

Sign Type	Sign Regulations
Banner Signs	Maximum Number: One per business.
	Maximum Area: 32 square feet or the area of the permanent sign if temporarily covering the permanent sign.
	Maximum Duration: 30 days per six-month period.
Flag	Maximum Number: One per lot.
	Maximum Area: 48 square feet.
Sandwich Board Signs	Maximum Number: One per business with individual access to a sidewalk.
	Maximum Height: Three feet.
	Maximum Area: Six square feet.
	Location: Within 15 feet of the primary building entrance door; location must allow more than five feet of clearance for pedestrian circulation on a sidewalk. Signs shall not be placed in a right-of-way.
	Duration of Display: Signs may be displayed up to one hour before and after business hours.
	Manner of Display: A sandwich board sign shall be internally weighted to ensure stability and prevent unintentional movement or conflict with pedestrians.
Yard Signs	Maximum Number: Unlimited so long as total square footage does not exceed 24 square feet.
	Maximum Height: Four feet.
	Maximum Area: 24 square feet total; six square feet per sign.
	Minimum Setback: Five feet from any lot line.

(Ord. No. 06-20, § 1, 8-5-2020)

**Section 16.07. Construction and maintenance requirements.**

- A. *Material and design.* All signs shall be designed, constructed, and maintained in conformity with the provisions for materials, loads and stresses of the latest adopted edition of [the] building code and requirements of this article.
- B. *Fastenings.* All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- C. *Fire escapes.* No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- D. *Support location.* No pole, cable, or support of any nature shall be placed on any publicly owned property, street, right-of-way, or proposed street rights-of-way without written authorization from the owner of said right-of-way.
- E. *Proximity to electrical conductors.* No sign shall be erected so that any part including cables and guys will be within ten feet of any electrical conductor, streetlamp, traffic light or other public utility pole standard, or ten feet of a high voltage wire.

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- F. *Sanitation.* Property surrounding any ground or monument sign shall be kept clean, sanitary, and free from obnoxious and offensive and offensive substances, free from weeds, rubbish and inflammable material.
  - G. *Traffic interference.* No sign shall be erected or maintained which simulates or imitates in size, color, letter, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
  - H. *Maintenance.* All signs shall be maintained in a condition of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, rusted, or missing material or parts shall be repaired within 60 days of written notification by the building official.
  - I. *Compliance with [the] building code.* The building code adopted by the township shall regulate the construction and maintenance of signs unless the provisions of this article are more stringent.

(Ord. No. 06-20, § 1, 8-5-2020)

### **Section 16.08. Nonconforming signs.**

- A. *Intent.* It is the intent of this article to avoid any unreasonable invasion of established private property. It is further the intent to encourage eventual elimination of signs that:
  - 1. As a result of the adoption of this article, become nonconforming;
  - 2. Are recognized as illegal nonconforming signs.
- B. *Lawful existing signs.* Any sign lawfully existing at the time of adoption of this article which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided. Signs on which an enforcement action have been initiated by the township are not considered lawful signs for the purposes of this section.
- C. *Alteration.* No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction complies with the provisions of this article. For the purpose of this article only, the term "altered" or "reconstructed" shall not include normal maintenance or replacement of sign copy when no changes are made to the frame or structure of the sign. Nonconforming signs and sign structures shall be removed or made to conform within 90 days of the termination of the use to which they are accessory.
- D. *Continuance.* A nonconforming sign shall not be:
  - 1. Relocated, expanded, or structurally altered to prolong the life of the sign or to change the shape, size, type, placement or design of the sign.
  - 2. Repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of a similar new sign.
- E. *Removal of nonconforming signs.* If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of the land or building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this article.

(Ord. No. 06-20, § 1, 8-5-2020)

### **Section 16.09. Administration, permits, inspections and enforcement.**

- A. *Permits and applications.*

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1. *Permit required.* It shall be unlawful for any person to erect, re-erect, alter or relocate any sign without first obtaining a permit in accordance with the provisions set forth in this article. A permit shall require the payment of a fee in accordance with the schedule adopted by resolution of the township board. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
  2. *Applications.* Applications for sign permits shall be made upon forms provided by the building department for this purpose and shall contain the following information:
    - a. Name, address, and phone number of applicants.
    - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
    - c. Position of the sign on the building, structure, or lot on which the sign is to be attached or erected.
    - d. Position of the sign in relation to nearby buildings, structures, property lines, and rights-of-way, existing or proposed.
    - e. Two copies of the plans and specifications and method of construction and attachment to the building or the ground.
    - f. Copies of sheets and calculations, if deemed necessary, which show the structure is designed for dead load and wind pressure in accordance with the regulations adopted by the township.
    - g. Name and address of the sign erector.
    - h. Insurance policy and/or performance guarantee as required in the Code.
    - i. Such other information as the building official may be required to show full compliance with this and all other applicable laws of the township and the State of Michigan.
    - j. When public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
    - k. Indicate the zoning district in which the sign is to be located.
    - l. A landscaping plan for the area surrounding the sign base, if applicable.
  3. *Review of application; issuance of permit.*
    - a. *Planning commission review.* Sign permit applications submitted in conjunction with the proposed construction of a new development, building or addition to an existing building shall be reviewed by the planning commission as a part of the required site plan review. Proposed signs must be shown on the site plan.
    - b. *Building official review.* The building official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
    - c. *Issuance of a permit.* Following review and approval of a sign application by the planning commission or building official, as appropriate, the building official shall issue a sign permit for signs that meet all the requirements of this Ordinance.
  4. *Permit expiration.* A sign permit shall be come null and void if the work for which the permit was issued is not completed within six months of the date of issue.
  5. *Sign maintenance and message change.* No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign

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designed to allow for message change without a change of structure, such as a bulletin board or billboard. Structural changes to a sign frame or support shall require a permit.

**B. *Inspection and maintenance.***

1. *Inspection of new signs.* All signs for which a permit has been issued shall be inspected by the building official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and building code standards.
2. *Inspection of existing signs.* The building official shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the building official shall determine whether the sign is located in the permitted area, adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.
3. *Correction of defects.* If the building official finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary re-construction or repairs, or entirely remove the sign in accordance with the timetable established by the building official.

**C. *Compliance certificate required.***

1. *Compliance certification.* All signs shall be inspected at original installation and if found to be in full compliance with the provisions this article, shall be issued a certificate of compliance.
2. *Inspections.* The building official may cause existing signs to be inspected on a periodic basis, at least once every two years to determine continuation of compliance with the provisions of this article.
3. *Inspection fee.* An inspection fee may be established by the township board. Such fee shall be charged to the owner of each sign inspected, at the time of inspection, provided that such fee shall not be imposed more than once in any year.
4. *Concealed work.* In cases where fastenings are to be installed and enclosed in such a manner that the building official cannot easily remove material to see the fastenings and material used, the building department may advise the sign erector so that the inspection may be made before concealment, if such inspection is deemed necessary by the building official.
5. *Removal of signs.* Should any sign be found unsafe, insecure, improperly maintained, or constructed or not in accordance with the requirements of this section, the erector and/or owner shall be required to make any such sign safe, secure, and otherwise in compliance with the requirements of this article within 30 days of written notice. Failure to comply shall result in an order to remove the sign within 48 hours from the time of notification in writing of the same from the building department.
6. *Exception.* Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed, repaired, or secured within 24 hours of notification.
7. *Exemptions.* Exempt signs as provided in section 16.04 shall not be required to obtain a certificate of compliance.
8. *Responsibility of compliance.* The owner of any property on which a sign is placed, and the owner of the sign are declared to be equally responsible for the erection, safety, and condition of the sign and the area in the vicinity thereof subject to provisions of this article.

**D. *Sign erector requirements.*** Permits may be issued only to licensed persons in compliance with the following provisions:

1. *License application.* Any person before engaging or continuing in the business of erecting or repairing signs in the township shall apply for a sign erector's license.

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2. *Insurance certificates.* To obtain said license he shall first furnish the township a commercial general liability insurance policy in the amount of \$1,000,000.00. The commercial general liability insurance policy shall include an endorsement, or policy language, naming the township as an additional insured. Said license shall automatically terminate upon the expiration of the insurance policy unless evidence of renewal is filed with the township clerk. All persons erecting, installing, repairing, replacing or otherwise engaging in such activities with respect to an electric sign or outline lighting must also be appropriately licensed as required by the Michigan Electrical Administrative Act 217 of 1956, as amended.
  3. *Lapsing of insurance.* If at any time, the insurance of any sign erector is permitted to lapse, his/her/its license and right to obtain permits shall automatically be revoked until a current certificate of insurance is filed with the building department.
  4. *Notification of change.* A sign erector shall notify the building department of any change in address and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance.
  5. *Revocation.* The license of a sign erector may be suspended or revoked as otherwise provided for in this Code.

(Ord. No. 06-20, § 1, 8-5-2020)

### **Section 16.10. Appeals.**

Any party who has been refused a sign permit for a proposed sign may file an appeal with the zoning board of appeals, in accordance with article 8.00 of this Ordinance. In determining whether a variance is appropriate, the zoning board of appeals shall study the sign proposal, considering any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be enough to justify granting a variance. However, the zoning board of appeals may decline to grant a variance even if some circumstances are present.

- A. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
- B. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic and speed limits.
- C. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
- D. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- E. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
- F. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.

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- G. A sign which exceeds the permitted height or area standards of the ordinance would be more appropriate in scale because of the large size or frontage of the parcel or building or within a building setback significantly greater than required by ordinance.

(Ord. No. 06-20, § 1, 8-5-2020)

### **Section 16.11. Violations; removal of signs.**

- A. A violation of any provision or requirement of this article is a municipal civil infraction, subject to enforcement and the fines and penalties for civil infraction violations as set forth in the Charter Township of Lyon Code of Ordinances, in addition to the penalties set forth herein.
- B. In addition to the remedies set forth in subsection A, above, the enforcement officer or his/her designee shall have the right to revoke any permit issued hereunder for a violation of this Ordinance. Any of the grounds upon which the initial permit application may be denied shall also constitute grounds for such revocation. In addition, the failure of the sign erector and property owner to comply with the provisions of this Ordinance or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The sign erector and property owner shall be notified in writing by the enforcement officer or his/her/its designee of the specific grounds for a revocation and demand for correction and abatement. Such notice may be served personally or by registered mail, return receipt requested. The notice shall allow a maximum of ten business days after service of the notice to correct or abate the violation. Additional time may be granted by the enforcement officer or his/her designee when bona fide efforts to remove or eliminate the offending condition are in progress. The notice shall provide that the sign erector and property owner may request a hearing on the notice and permit revocation by filing an appeal with the zoning board of appeals.
- C. If a violation is neither remedied nor appealed within the given time period set forth by the written notice, the enforcement officer or his/her designee shall have the right to revoke the sign permit. Upon revocation of a permit issued pursuant to this Ordinance, the sign erector or property owner of the parcel on which the sign has been placed shall remove the sign from the property within ten calendar days from the date of the notice and, if not so removed within the time period, the township or township's contractor may initiate removal of the sign. All costs associated with the removal of the sign and correction of the offense incurred by the township, or the township's contractor, shall be the joint and several responsibility of the permittee and property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the township may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the township, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.

(Ord. No. 06-20, § 1, 8-5-2020)

### **Section 16.12. Severability.**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

(Ord. No. 06-20, § 1, 8-5-2020)

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**Section 16.13. Substitution clause.**

Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this Ordinance.

(Ord. No. 06-20, § 1, 8-5-2020)

***ARTICLE 17.00 PERFORMANCE GUARANTEE***

**Section 17.01. Intent and scope of requirements.**

- A. To insure compliance with the provisions of this Ordinance and any conditions imposed thereunder, a performance guarantee shall be deposited with the township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. Improvements for which the township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, acceleration/deceleration lanes, traffic control devices, sidewalks, and land reclamation activities.

**Section 17.02. General requirements.**

The performance guarantee shall meet the following requirements:

- A. The performance guarantee shall be in the form of an irrevocable letter of credit, performance bond or cash escrow. If the applicant posts a letter of credit, the credit shall require only that the township present the credit with a sight draft and an affidavit signed by the township attorney attesting to the township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the township whenever the township attorney presents an affidavit to the agent attesting to the township's right to receive funds whether or not the applicant protests that right. If the applicant posts a performance bond and the improvements are not complete by the time a certificate of occupancy is requested in the case of a building project, or by the time a building permit is requested on a lot in a new subdivision or condominium, then the performance bond shall be replaced by a bank letter of credit or cash escrow prior to the issuance of said certificate of occupancy or building permit.
- B. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the township shall deposit the funds in an interest-bearing account in a financial institution with which the township regularly conducts business.
- C. The amount of the performance guarantee shall be no less than 125 percent of the estimated cost for which the guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the building official.
- D. The entire performance guarantee shall be returned to the applicant following inspection by the building official and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent shall be held back on each element until satisfactory completion of the entire project.

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- E. An amount not less than ten percent of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the building official that all landscape materials are being maintained in good condition.

### **Section 17.03. Unsatisfactory completion of improvements.**

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

## **ARTICLE 18.00 ACCESSORY BUILDINGS, STRUCTURES AND USES**

### **Section 18.01. General requirements.**

- A. *Timing of construction.* No accessory building, structure, or use shall be constructed or established on a parcel unless there is a legally established principal building, structure, or use already established on the same parcel of land. This restriction shall not prevent temporary structures and uses permitted by section 12.06. A parcel may not be divided if such division would result in an accessory building, structure, or use on a parcel on which there is no principal building, structure, or use.
- B. *Site plan approval.* If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures or uses.
- C. *Nuisances.* Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.
- D. *Conformance with lot coverage standards.* Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.
- E. *Location in proximity to easements or rights-of-way.* Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way, unless otherwise permitted by the terms and conditions of the easement or right-of-way.
- F. *Use of accessory structures.* Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units. Accessory buildings may contain home occupations that are permitted by section 12.05.
- G. *Appearance.* Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site.
- H. *Applicability of other codes and ordinances.* Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation.
- I. *Accessory farm buildings.* The provisions concerning size and height in this article shall not apply to accessory buildings (such as barns and silos) on a farm, as defined in article 3.00, and to barns and stables where the barns and stables are permitted principal uses or permitted by special land use approval.

(Ord. No. 10-16, pt. 7, 11-9-2016)



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## Section 18.02. Attached accessory buildings and structures.

Unless otherwise specified in this article, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements. In a residential subdivision or residential site condominium the floor area of a garage attached to a principal residence shall not exceed 50 percent of the total floor area of the residence.

## Section 18.03. Detached accessory buildings and structures.

- A. *Setbacks.* Detached accessory buildings and structures, including permitted temporary structures, shall comply with the following setback requirements, unless otherwise permitted elsewhere in the Ordinance:
1. *Front setback.* All detached accessory buildings and structures shall comply with the front yard setback requirements for the district in which they are located. Also, in a residential subdivision or residential site condominium an accessory building or structure shall not be located closer to the front property line than any portion of the principal building or structure. On parcels located outside of a subdivision or site condominium in a residential district, accessory buildings or structures may be located closer to the front property line than the principal building or structure, where the following conditions are met:
    - a. The minimum lot size shall be two acres.
    - b. The accessory building or structure shall be set back at least 75 feet from the front property line.
    - c. The accessory building or structure may be occupied or used only for a noncommercial use that is incidental to a principal permitted use in the district in which it is located.
    - d. The accessory building or structure shall be appropriately designed and landscaped so that it is compatible in appearance with the surrounding development.

The following accessory buildings or structures may be permitted in the front yard of commercial or industrial districts, subject to the approval of the planning commission: Buildings for parking attendants, guard shelters, gate houses, and transformer pads.

2. *Side yard setback.* Detached accessory buildings and structures shall comply with the side yard setback requirements for the district in which they are located.
  3. *Rear yard setback.* Detached accessory buildings and structures shall be located no closer than ten feet to the rear lot line.
  4. *Setback increase based on height.* The side and rear yard setbacks specified above shall be increased by one foot for every foot in height that an accessory building exceeds 14 feet.
  5. *Distance from principal building.* Detached accessory buildings and structures shall be located at least ten feet from the principal building on the site.
- B. *Size.* Unless otherwise specifically permitted elsewhere in this Ordinance, detached accessory buildings and structures in residential districts shall comply with both of the following requirements:
1. The maximum combined ground area coverage (i.e., "footprint" of the building when viewed from above, including coverage of porches, eaves, overhangs, etc.) of all detached accessory buildings and structures shall not exceed two percent of the total lot area, or 200 square feet, whichever is greater, except that swimming pools may exceed this standard as noted in subsection 2, below.

2. Swimming pools on single-family lots or parcels shall not exceed 60 percent of the total floor area of the principal structure (for example, on a parcel where the floor area of the house covers 1,500 square feet, the ground area coverage for swimming pools may not exceed 900 square feet).
3. All detached accessory structures and swimming pools shall be counted towards the lot coverage total for the property, unless specifically exempted elsewhere in this Ordinance.

C. *Height.*

1. *Permitted height in residential, O-1, and P-1 districts.* Detached accessory buildings in residential, O-1, P-1 districts shall comply with the following height requirements:

Size of parcel	Permitted Height of Accessory Building or Structure
In residential subdivisions or site condominiums	14 feet
Outside of residential subdivisions or site condominiums	20 feet

2. *Permitted height in commercial and industrial districts.* Detached accessory buildings in the B-1, B-2, B-3, I-1, and I-2 districts shall comply with the maximum height standards for the district in which they are located.
3. *Exceptions to accessory structure standards.* Antennae and wind generators shall comply with the height standards specified in section 12.14. Satellite dish antennae shall comply with the standards specified in section 12.17.

D. *Temporary residential accessory structures.*

1. *Number of temporary residential accessory structures.* One temporary structure shall be permitted on a lot being used for residential purposes for no more than seven days, unless otherwise permitted elsewhere in this Ordinance.
2. *Portable membrane structures (tents, canopies, and other similar structures).* Portable membrane structures shall not be permitted as an accessory residential or commercial storage structure. Portable membrane structures may be used in conjunction with private events on residential property, such as, but not limited to, receptions for weddings and graduations and private parties. A permit is not required.

E. *Temporary commercial accessory structures.* Portable membrane structures may be used in conjunction with an event that is open to the public or that is located in a non-residential zoning district in conjunction with a commercial or non-commercial event. A temporary use or special event permit is required.

F. *Portable moving or storage containers.*

1. *Number and duration.* A single portable moving or storage container may be placed on a lot on which a dwelling unit is located for a period of up to 30 days per year for the purpose of loading and unloading personal belongings for transport to or from another location; for clean-up after a flood, fire, or other disaster; or, in conjunction with building or landscaping work that does not require a permit. However, moving or storage containers used in conjunction with an activity permitted by a building or demolition permit may be on the lot for the duration of the permit.

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2. *Location.* Portable moving or storage containers shall be located on a gravel or paved surface, such as a driveway, and shall not encroach into a public road right-of-way or private road easement.

G. *Temporary trash containers (dumpsters).*

1. *Number and duration.* A single trash container may be placed on a lot for a period of up to 30 consecutive days for the purpose of clean-up after a flood, fire, or other disaster, or in conjunction with building or landscaping work that does not require a permit. However, trash containers used in conjunction with an activity permitted by a building or demolition permit may be on the lot for the duration of the permit.
2. *Location.* Trash containers shall be located on a gravel or paved surface, such as a driveway, and shall not encroach into a public road right-of-way or private road easement.

(Ord. No. 03-17, pts. 8, 9, 6-5-2017; Ord. No. 09-19, § 1, 8-5-2019)

### **Section 18.04. Medical marijuana use.**

- A. *Meaning of terms.* Capitalized terms used in this section shall have the meaning assigned to them in section 3.02 of this Ordinance. "Act" refers to the Michigan Medical Marijuana Act, MCL 333.26421 et seq., as it may be amended from time to time.
- B. *Growing of plants by qualifying patient.* A person who is a qualifying patient, and who has been issued and possesses a registry identification card and is not associated with a primary caregiver, may grow marijuana plants as an accessory use, strictly in accordance with the Act, within any structure zoned for residential use in which that person resides as his or her principal residence or within any accessory structure located on the same lot therewith.
- C. *Growing of plants by primary caregiver.* A person who is a primary caregiver, and who has been issued and possesses a registry identification card, may grow marijuana plants as an accessory use, strictly in accordance with the Act and only for those qualifying patients for whom he is a primary caregiver, within any structure zoned R-1.0, residential-agricultural district, in which that person resides as his or her principal residence or within any accessory structure located on the same lot therewith, or within any structure zoned for industrial use but only as an accessory use to the operation of a greenhouse or plant nursery that is operated as a principal use on that same lot.
- D. *Storage and distribution of usable marijuana by a primary caregiver.* A person who is a primary caregiver, and who has been issued and possesses a registry identification card, may store usable marijuana, together with an incidental amount of seeds, stalks, and unusable roots, strictly in accordance with the Act and only for those qualifying patients for whom he is a primary caregiver, within any structure zoned R-1.0, residential-agricultural district, in which that person resides as his or her principal residence or within any accessory structure located on the same lot therewith, or within any structure zoned for industrial use but only as an accessory use to the operation of a greenhouse or plant nursery that is operated as a principal use on that same lot. A primary caregiver shall deliver such usable marijuana to his or her patients, and those patients shall not come to the primary caregiver's facility to receive marijuana.
- E. *Spacing of primary caregiver facilities.* A facility housing a primary caregiver shall comply with the following location requirements:
  1. The parcel on which any such facility is located shall be at least 500 feet from any parcel occupied by a public or private pre-school, elementary school, middle school, high school, community college, or other school serving students of the same age.
  2. The parcel on which any such facility is located shall be at least 500 feet from a parcel occupied by an adult regulated use, as defined in section 3.02.

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3. The parcel on which any such facility is located shall be at least 500 feet away from any parcel occupied by another primary caregiver or any other person who cultivates marijuana or assists in the use of marijuana, excluding a qualifying patient's principal residence.
- F. *No signage.* No sign identifying a property as the location of any use described in this section shall be permitted.

(Ord. No. 03-16, pt. 4, 3-9-2016)

## **ARTICLE 19.00 SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES**

### **Section 19.01. Intent and scope of application.**

- A. Each use listed in this article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to site plan review.
- B. Unless otherwise specified, each use listed in this article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

### **Section 19.02. Site development standards for nonresidential uses.**

- A. **Accessory apartment.** Accessory apartments as defined in article 3.00, shall comply with the following regulations:
  1. *Residence an incidental use.* The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:
    - a. Accessory apartments shall be established in owner-occupied homes only.
    - b. Only one such accessory residence shall be permitted on each parcel.
    - c. The total floor area of the accessory residence shall not exceed 600 square feet.
  2. *Setbacks and placement on the parcel.* Accessory residences shall comply with all setback requirements for the district in which they are located.
  3. *Compatibility with surrounding land use.* The design of the accessory residence shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory residence shall not have front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall appear that only one household occupies the site.
  4. *Parking and access.* In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.
- B. **Adult book or supply stores, adult motion picture theaters, adult live stage performing theaters, adult outdoor motion picture theaters, group "A" cabarets, and massage parlors or massage establishments.** In the development and execution of this Ordinance and this section, it is recognized that there are certain uses which, because of their very nature, have serious objectionable characteristics, particularly when several of

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them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

1. The establishment of the types of adult regulated uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a 1,000-foot radius (i.e., not more than one such use within 1,000 feet of another). The distance between uses shall be measured horizontally between the nearest property lines.
  - a. Adult book or supply stores.
  - b. Adult motion picture theaters.
  - c. Adult motion picture arcade.
  - d. Adult motel.
  - e. Adult model studio.
  - f. Adult live stage performing theaters.
  - g. Adult outdoor motion picture theaters.
  - h. Group "A" cabarets.
  - i. Massage parlors and massage establishments, but excluding establishments engaged in therapeutic massage where all of the practitioners have received training required to be licensed and are licensed by the State of Michigan.
2. It shall be unlawful to hereafter establish any adult regulated use if the proposed regulated use will be within a 600-foot radius of the following:
  - a. Any "class C" establishment licensed by the Michigan Liquor Control Commission.
  - b. Pool or billiard halls.
  - c. Coin-operated amusement centers.
  - d. Disco or dance centers which typically cater to teens.
  - e. Ice or roller skating rinks.
  - f. Pawn shops.
  - g. Indoor or drive-in movie theaters.
  - h. Public parks, playgrounds, or other recreation uses.
  - i. Churches, convents, monasteries, synagogue, or similar religious institutions.
  - j. Day care centers or nurseries.
  - k. Any public, private or parochial nursery, primary, or secondary school.
  - l. Any residentially used or zoned land.

The distance between uses shall be measured horizontally between the nearest property lines.

3. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

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4. Adult regulated uses shall be located within a freestanding building. Enclosed walls, strip shopping centers, common-wall structures, and structures which contain several uses do not constitute a freestanding building.
  5. Massage parlors and similar uses are also subject to the restrictions in the Massage Regulation Ordinance.
- C. **Airports and related uses.** Airports, landing fields and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted subject to the following conditions:
1. *Plan approval.* The plans for such facilities shall be approved by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics prior to submittal to the township for review and approval.
  2. *Minimum standards.* The standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation shall be complied with.
  3. *Clear zones.* All required "clear zones" (as defined by the FAA) shall be owned by the airport facility.
  4. *Aircraft and vehicle parking.* Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for offices, restaurants, sales rooms, and other uses associated with the airport, subject to the requirements in article 14.00.
  5. *Airport layout.* Airports shall be designed so that offices, restaurants, sales rooms, and similar uses are located closest to the road.
- D. **Automobile or vehicle dealers.** Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles, except those meeting the requirements of article 19 (HH).
1. *Grading, surfacing and drainage.* Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the township engineer.
  2. *Driveway location.* The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least 60 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
  3. *Servicing of vehicles.* Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:
    - a. Service activities shall be clearly incidental to the vehicle sales operation.
    - b. Vehicle service activities shall occur within a completely enclosed building.
    - c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
    - d. The building containing service operations shall be located a minimum of 50 feet from any property line.
    - e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.
  4. *Broadcasting devices prohibited.* Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
  5. *Setbacks.* Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the locational requirements for parking lots, as specified in section 14.01, subsection B.1.

6. *Minimum lot area.* The minimum lot area required for such uses shall be 43,560 square feet.

E. **Gas or Filling Station, Minor or Major Vehicle Repair.** The following regulations shall apply to gas or filling station and minor or major vehicle repair facilities:

1. *Minimum lot area.* The minimum lot area required for such uses shall be 21,780 square feet.
2. *Minimum lot width.* The minimum lot width required for such uses shall be 120 feet.
3. *Minimum setbacks.* Such uses shall comply with the setback requirements for the districts in which they are located, except that a minimum setback of 40 feet shall be maintained on all sides which abut property that is zoned or used for residential purposes. Pump islands and canopies for gas or filling stations shall comply with the following requirements:

	<b>Minimum Setback from Planned Right-of-Way Line</b>
Nearest Edge of Pump Island	30 ft.
Nearest Edge of Unenclosed Canopy	20 ft.

4. *Ingress and egress.*

- a. Ingress and egress drives shall be a minimum of 25 feet and a maximum of 30 feet in width. No more than one such drive or curb opening shall be permitted for every 75 feet of frontage or fraction thereof along any street. The nearest edge of any such drive shall be located at least 25 feet from the nearest point of any property zoned or used for residential purposes.
  - b. A curb opening for a drive shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress/egress drives, traffic generated by other buildings or uses, or pedestrian entrances or crossings.
5. *Curbs.* A curb of at least six inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property.
  6. *Layout.* All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so the motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining parking while being served.
  7. *Outside storage.* Inoperable, wrecked or partially dismantled vehicles may be stored outside for no more than two days, provided such vehicles are stored in the rear yard and are fully screened in accordance with subsection 15.02.E.
  8. *Vehicles sales and storage.* The storage, sale, or rental of new or used cars, trucks, trailers, and other vehicles on the premises is prohibited.

F. **Car or vehicle wash establishment.**

1. *Minimum lot size.* The minimum lot size required for automobile or car wash establishments shall be 21,780 square feet.
2. *Layout.* All washing activities shall be carried on within a fully enclosed building. Vacuuming facilities shall be permitted in the rear or side yard only, provided such facilities are located at least 50 feet from adjacent residentially zoned or used property.

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3. *Entrances and exits.* All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Sufficient space shall be provided so that vehicles do not enter or exit the wash building directly from an adjacent street. Streets shall not be used for maneuvering or parking by vehicles to be serviced by the car wash. Exit shall not face residentially zoned or used property.
  4. *Orientation of open bays.* Buildings should be oriented so that open bays, do not face onto adjacent thoroughfares unless landscaped to meet or exceed the requirements in subsection 15.02.B.
  5. *Drainage.* The site shall be graded so that storm and drain water is contained on the site in accordance with Township Engineering Requirements.
- G. **Bed and breakfast facilities.** Bed and breakfast facilities shall be subject to the following regulations:
1. *Bed and breakfast an accessory use.* The bed and breakfast operations shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than 25 percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
  2. *Maximum number of units.* No more than three bed and breakfast units shall be established in dwelling units located on lots up to 2.5 acres in size. Where lot size exceeds 2.5 acres, the number of bed and breakfast units permitted shall be based on good design principles, subject to planning commission review.
  3. *Principal residence.* The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
  4. *Kitchen facilities.* There shall be no separate cooking facilities for the bed and breakfast operation, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.
  5. *Building requirements.* A building used for bed and breakfast operations shall comply with the following minimum requirements:
    - a. There shall be at least two exits to the outdoors.
    - b. Rooms used for sleeping shall have a minimum size of 100 square feet for two occupants, plus and additional 30 square feet for each additional occupant. Rooms shall be designed to accommodate no more than four occupants.
    - c. Each sleeping room shall be equipped with a smoke detector.
  6. *Parking.* Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with article 14.00. Off-street parking in the front yard is prohibited.
- H. **Coal, coke and fuel yards.** Prior to establishment of a coal, coke, or fuel yard, and environmental impact statement shall be prepared in accordance with section 12.18, and submitted to the planning commission for review.
- I. **Cemeteries.** The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:
1. *Location.* Not more than 50 percent of the land parcel occupied by a cemetery shall be a part of a recorded plat.
  2. *Master plan.* Any crematorium, mausoleum, columbarium, or other building shall be designed and located in accordance with a cemetery master plan, which shall be subject to planning commission approval.



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3. *Setbacks.* No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than 200 feet to the boundary line of any residential or commercial district.
  4. *Location of entrances.* Entrances to cemeteries shall be off of a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.
  5. *Screening.* Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with section 15.02, subsection E.

**J. Drive-in establishments.**

1. *Drive-in requirements.* The following provisions shall apply to all drive-in establishments:
  - a. *Setbacks.* Buildings and other structures shall be set back a minimum of 60 feet from any street right-of-way line.
  - b. *Location of driveways.* Driveways serving drive-in establishments shall be located off of a major or secondary thoroughfare. The nearest edge of any entrance or exit drive shall be located no closer than 60 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
  - c. *Screening.* Screening shall be provided along all property lines abutting property that is zoned for residential, commercial, or office use. Screening may consist of landscaping that meets the requirements of section 15.02(E), or an obscuring wall or fence that meets the requirements of section 15.08.
2. *Drive-in theaters.* The following regulations shall apply to drive-in theaters:
  - a. *Lot size.* The minimum lot size for a drive-in theater shall be 20 acres.
  - b. *Setbacks.* The face of the theater screen shall not be closer than 500 feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.
  - c. *Frontage and road access.* Such uses shall front onto a paved major thoroughfare and the main means of access to the theater shall be via the thoroughfare. In no case shall access to a drive-in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than 250 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
  - d. *Access drive design.* The access drive shall be designed with separate entrance and exit lanes which shall be separated by a landscaped median strip at least 20 feet in width. There shall be a minimum of four entrance and four exit lanes, and each lane shall be at least ten feet in width.
  - e. *Stacking space.* A minimum of 50 stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.
  - f. *Fencing.* The entire drive-in theater site shall be screened with an eight-foot high fence, constructed according to the specifications in section 15.08.

**K. Drive-through businesses.** The following regulations shall apply to drive-through businesses:

1. *Driveway location.* Driveways shall be located a minimum of 60 feet from any street or road intersection (as measured from the nearest road right-of-way line). All maneuvering lanes, stacking lanes, and exit aprons shall be located on the drive-through parcel itself.
2. *Traffic and pedestrian safety.* A curb opening for a driveway shall not be permitted where the driveway would create a safety or traffic hazard because of its location in relation to pedestrian entrances or crossings.

3. *Exit orientation.* Exits from drive-through facilities shall not face residentially-used property.
  4. *Setbacks.* Maneuvering and stacking lanes shall be set back a minimum of 10 feet from any side or rear property line. The nearest edge of the delivery window shall be no closer than 60 feet to any existing or planned road right-of-way line.
  5. *Menu board location.* Drive-through businesses that have a menu board shall locate it to the rear of the principal building to minimize visibility from off the site.
  6. *Sound attenuation.* Devices for the transmission of sound shall be directed or controlled so as to prevent sound from being audible beyond the boundaries of the site.
- L. **Farms and hobby farms.** The following provisions shall apply to farms and hobby farms, as defined in section 3.02:
1. *Location.* A farm operated as a commercial enterprise may be located in an R-1.0 or planned development district only, and shall not be located within the boundaries of a recorded subdivision plat or condominium unless approved as part of a planned development agreement.
  2. *Prohibited uses.* Farms shall not be used for the disposal of garbage, sewage or sewage sludge, rubbish, or offal. Farms may not be occupied by rendering plants. Farms shall not be used for the slaughtering of animals, except where the animals have been raised on the premises for consumption by residents on the premises.
  3. *Sod production.* The growing, stripping, and removal of sod is permitted, provided that all stripped land shall be reseeded by fall of the year in which it was stripped so as to prevent the erosion of soil by wind or water.
  4. *Stables and riding arenas.* Stables and riding arenas shall be subject to the provisions in subsection 19.02.DD.
  5. *Hobby farm.* Hobby farms, as defined in section 3.02, shall comply with the following requirements:
    - a. Farm animals may be kept on lots of one acre or larger, subject to the following density standards:

<b>Hobby Farm Animal Density Limits</b>	
<b>Animal</b>	<b>Number of Animals per ½ Acre</b>
Chickens, ducks, pigeons (no roosters)	5
Geese, peacocks	3
Rabbits	10
Goats, sheep, llamas, alpacas	3
Pigs	1
Cattle	½ (one acre minimum)
Horses	½ (one acre minimum)
Other Animals	Density approved by the Building Official

- b. Hobby farm animals shall be kept within a building or fenced area. No farm animals are permitted to run at large.

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- c. Structures used for keeping hobby farm animals shall not be located in any required front yard, shall be set back 30 feet from all other property lines, and shall be set back 100 feet from dwellings on neighboring properties.
  - d. Hobby farms shall comply with noise and odor performance standards of this Ordinance.
  - e. Indoor and outdoor areas where hobby farm animals are kept shall be cleaned and manure spread or disposed of at least weekly.
  - f. Manure shall be stored at least 75 feet from all property lines.
  - g. Hobby farms shall have a minimum lot size of one acre.

M. **Funeral homes or mortuaries.** The following regulations shall apply to funeral homes and mortuaries:

- 1. *Assembly area.* Adequate assembly area shall be provided off-street for vehicles to be used in funeral processions.
- 2. *Screening.* The service and loading area shall be obscured from adjacent residential areas in accordance with section 15.02, subsection E.
- 3. *Caretaker's residence.* A caretaker's residence may be provided within the main building of the funeral home, subject to the provisions in section 12.03.

N. **Golf courses and country clubs, par-3 golf courses.** The following regulations shall apply to golf courses, country clubs, and par-3 golf courses:

- 1. *Lot size.* Regulation length 18-hole golf courses shall have a minimum lot size of 160 acres, of which a minimum of 110 acres of usable land shall be allocated in fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of 90 acres. Eighteen-hole, par-3 courses shall have a minimum lot size of 50 acres.
- 2. *Setbacks and fairway width.* The principal and accessory buildings shall be set back at least 75 feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be 100 yards subject to review by the planning commission. Fairways shall be designed so that existing or future dwelling units are located a minimum of 200 feet from the center of the fairway.
- 3. *Access.* Golf courses and country clubs shall have direct access onto a major thoroughfare.
- 4. *Shelter buildings.* At least one shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Oakland County Health Department and the township building code.
- 5. *Impact on water supply.* A hydrological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells.
- 6. *The following regulations shall apply to driving ranges:*
  - a. *Minimum dimensions and setbacks.* Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be 350 yards, measured from the tee to the end of the range. Tees shall be set back at least 50 yards from each side property

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line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines.

- b. *Screening or slopes.* The planning commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in section 15.02, subsection E. The planning commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.
- c. *Special use requirements for outdoor recreation facilities.* Driving ranges shall comply with the requirements for outdoor recreation facilities in section 19.02, subsection Z.

O. **State licensed residential facility, child care center.** The following regulations shall apply to state licensed residential facilities that are subject to special land use review, childcare centers, nursery schools, day nurseries, and pre-schools:

- 1. *Licensing.* In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the department of social services and shall comply with the minimum standards outlined for such facilities.
- 2. *Location.* In accordance with Public Act 110 of 2006, as amended, all facilities must not be located closer than 1,500 feet to any of the following:
  - a. Another licensed group day care home.
  - b. Another adult foster care small group home or large group home as licensed under the Adult Foster Care Licensing Act, 1979 PA 281, as amended.
  - c. Another facility offering substance abuse treatment and rehabilitation services to 7 or more people licensed under Article 6 of the Public Health Code, 1978 PA 218, as amended.
  - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- 3. *Character.* In accordance with Public Act 110 of 2006, as amended, all facilities must maintain the property consistent with the visible characteristics of the neighborhood.
- 4. *Hours of operation.* In accordance with Public Act 110 of 2006, as amended, a facility may not exceed 16 hours of operation during a 24-hour period.
- 5. *Signs.* In accordance with Public Act 110 of 2006, as amended, a facility's sign to identify itself must meet the applicable sign regulations of this Ordinance.
- 6. *Off-street parking.* In accordance with Public Act 110 of 2006, as amended, a facility must meet applicable off-street parking regulations of this Ordinance.
- 7. *Outdoor play area.* A minimum of 150 square feet of outdoor play area shall be provided and maintained per child based on the number of children permitted outdoors at any one time; provided that the overall size of the outdoor play area shall not be less than 5,000 square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with section 15.02, subsection D.
- 8. *Frontage.* Child care centers shall front onto a paved thoroughfare or collector road. Child care centers and family day care homes may be permitted on unpaved roads, subject to special land use approval.
- 9. *Setbacks.* Child care centers shall have a minimum side yard setback of at least 25 feet.

P. **Hospitals.** The following regulations shall apply to hospitals:

- 1. *Lot area.* The minimum lot size for hospitals shall be ten acres.

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2. *Frontage and access.* Hospitals shall front onto a paved major thoroughfare and the main means of access to the hospital for patients, visitors, and employees shall be via the thoroughfare. In no case shall access to a hospital be off of a residential street.
  3. *Setbacks.* The principal building and all accessory buildings shall be set back a minimum distance of 100 feet from all property lines. The minimum setback shall be increased 20 feet for each story in excess of two stories.
  4. *Screening.* Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with section 15.08.
  5. *State and federal regulations.* Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws, including provisions of the Michigan Hospital Survey and Construction Act, Public Act 299 of 1947, as amended.

**Q. Junk yards or salvage yards.** The following regulations shall apply to junk yards and salvage yards:

1. *Lot size.* The minimum lot size for junk yards and salvage yards shall be 40 acres.
2. *Location.* The junk yard or salvage yard parcel shall have at least one property line abutting a railroad right-of-way line.
3. *Setbacks.* A minimum setback of 250 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least 250 feet from any road or highway right-of-way line, and at least 300 feet from any property line which abuts a residentially zoned or used district.
4. *Screening.* The entire junk yard or salvage yard site shall be screened with an eight-foot obscuring masonry wall, constructed in accordance with the section 15.08. The wall shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.
5. *Surfacing.* All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the building official so as to confine any wind-borne dust within the boundaries of the site.
6. *Regulated activities.* Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.
7. *Permits.* All required township, county, and state permits shall be obtained prior to establishing a junkyard.

**R. Kennels.** The following regulations shall apply to kennels:

1. *Private kennels.* Private kennels to house only the animals owned by the occupant of the dwelling unit shall be permitted subject to the following:
  - a. *Lot size.* The lot on which any such kennel is located shall be a minimum of two acres in size.
  - b. *Number of animals.* No more than six animals over the age of six months shall be housed in a private kennel.
  - c. *Breeding.* Breeding of animals shall be restricted to no more than two litters per year.
  - d. *Setbacks.* Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 100 feet from any dwellings or buildings used by the public on adjacent property.
  - e. *Kennels prohibited in subdivisions.* Regardless of lot size, private kennels shall not be permitted in platted subdivisions.

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2. *Commercial kennels.* Commercial kennels shall be permitted subject to the following:
    - a. *Operation.* Any such kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies.
    - b. *Lot size.* The lot on which any such kennel is located shall be a minimum of two acres in size. If more than four animals are housed in the kennel, an additional one acre shall be required for every additional ten animals (or fraction thereof).
    - c. *Setbacks.* Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 200 feet from any property line.
    - d. *Sound control.* All animals shall be contained in a building which is fully soundproofed, using insulation, soundboards, and acoustic tile.
    - e. *Odor control.* Nonabsorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four times daily.
    - f. *Kennels prohibited in subdivisions.* Regardless of lot size, commercial kennels shall not be permitted in platted subdivisions.

**S. Landfills, dumping and sewage disposal facilities.**

1. *General requirements.*
  - a. *Design and operation standards.* Any such use shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, and other regulatory agencies. Landfills shall also be subject to the regulations in the Lyon Township Ordinance Soil Excavation and Landfill Ordinance.
  - b. *Environmental impact statement.* An environmental impact statement shall be prepared in accordance with section 12.18 and submitted to the township board for review.
2. *Landfills and dumping.*
  - a. *Intent.* These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the township, including landfills.
  - b. *Scope of application.* No person shall pile, place, store, dump, bury, dispose of, or keep in open containers of any land within the township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance.
  - c. *Exceptions.* These provisions shall not prevent the reasonable use of fertilizers, manure and similar materials for improvement of land being lawfully utilized for farming purposes, provided that such use is carried out in a healthy and sanitary manner without creating a nuisance for the surrounding area.
3. *Permit requirements for landfills and dumping.*
  - a. *Issuance.* A permit shall be required in all instances where landfill or dumping activity is proposed in the township.
  - b. *Review procedures.* Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of special land uses in article 6.00. Permits for such uses shall be

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issued by the township board for a one-year period. Permits may be renewed for one-year periods unless the owner or operator violates any conditions of approval.

c. *Performance guarantee.*

- (1) To assure conformance with the requirements specified herein, the township may require the applicant or owner to provide a performance guarantee, in accordance with article 17.00. The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the township engineer and approved by the township board. No more than 90 percent of the performance guarantee shall be returned until all work has been completed and inspected.
- (2) The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to insure that it is adequate to complete the project as proposed, based on current construction costs.
- (3) The township board may approve a performance guarantee that covers less than the total site; provided that no excavation or dumping may take place in an area until a performance guarantee has been submitted to assure proper completion of the activities proposed for the area.

d. *Application requirements.* The following information shall be provided on an application for a landfill or dumping permit:

- (1) *Aerial photography.* Vertical aerial photographs of the site, enlarged to a scale of one inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.
- (2) *Survey.* A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one inch equals 200 feet. The survey shall include the boundary of the entire site and topography of the site at two-foot contour intervals.
- (3) *Engineering report.* Report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.
- (4) *Master plan.* A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.
- (5) *Restoration plan.* A restoration plan indicating how the area will be re-used in a manner compatible with the township master plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two-foot contour intervals.
- (6) *Operating specifications.* A detailed description of operating procedures, so as to demonstrate conformance with the standards in subsection 4, following.

4. *Standards.* All landfill and dumping activity shall be subject to the following standards:

- a. *Limits of approval.* All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.
- b. *Setbacks.*

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- (1) Land filling, dumping and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 300 feet to any dwelling. The required setback area may be used only for access roads and greenbelt plantings and landscaping.
  - (2) The zoning board of appeals may grant a variance from the setback requirements where the outer boundary abuts a body of water.
  - (3) All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public street right-of-way line or adjacent property line.
- c. *Noise, dust, debris.* All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.
  - d. *Road treatment.* All private access roads shall be treated to create a dust-free surface. The operator shall work with the township to minimize dust on public access roads serving the site.
  - e. *Frontage and access.* The subject site shall have a minimum frontage of 250 feet on a major or secondary thoroughfare having an existing or proposed right-of-way of at least 86 feet. However, a proposed dumping operation may be approved without frontage on a thoroughfare if it is located adjacent to an approved dumping operation which has sufficient frontage; provided that the proposed operations is granted access across the existing operation.
  - f. *Fencing.* Landfill and dumping operations shall comply with the following fencing requirements:
    - (1) Where slopes steeper than 30 degrees exist for a period of one month or more, the proposed operation shall be enclosed with a six-foot high cyclone fence or similarly effective barrier located at least 50 feet outside the edge of the excavation area.
    - (2) Where collection of water greater than one foot in depth occurs for a period of one month or more in an area occupying 200 square feet or more, fencing shall be required as previously noted.
  - g. *Slopes.* Finished slopes shall not exceed a four to one grade (four feet horizontal per one foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within 12 months after work has begun on any section.
  - h. *Topsoil and seeding.* Sufficient topsoil shall be stockpiled so that a minimum of three inches of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the township board.
  - i. *Berms.* Ten-foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a public thoroughfare or exterior property line. This requirement may be waived when topographic or other screening exists that would accomplish the purpose of the berm.
5. *Violations.* To insure compliance with these regulations, the building official shall conduct periodic inspections. In the event that a violation is found, the building official shall send a written notice to the permit holder. Failure to correct the violation within 30 days shall automatically void the permit. No new permits shall be issued until the violation has been corrected.
- T. **Mini-warehouses.** The following regulations shall apply to mini-warehouses:
1. *Lot area.* The minimum lot size for mini-warehouses shall be three acres.



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2. *Permitted use.* Mini-warehouse establishments shall provide for storage only, which must be contained within enclosed buildings.
  3. *Site enclosure.* Fences or walls, if proposed, shall comply with the regulations in section 15.08, except as follows:
    - a. A traditional ornamental iron design shall be required for any fence located on any side of site adjoining a road.
    - b. A six-foot high masonry screening wall shall be required along any property line that abuts a residential district.
  4. *Exterior appearance.* The exterior of any mini-warehouse shall comply with the following minimum requirements:
    - a. Storage buildings shall have pitched roofs with gables. The minimum roof pitch must be 4:12 (i.e., four inches vertical rise for every 12 inches of horizontal run.)
    - b. Any side of a building facing a public street shall have a brick exterior.
    - c. Buildings shall be oriented so that doors to storage units do not face toward the road, unless such doors will be completely screened from view from the road.
    - d. If a manager's office is proposed, it shall be located in front to screen the storage units. Fences or walls shall project no closer to the front of the site than the front of any such office or residence.
  5. *On-site circulation and loading.* Driveways between buildings shall be designed with one, ten-foot wide loading/unloading lane and one, 15-foot travel lane. Other internal circulation routes shall be at least 24 feet in width.
- U. **Motels.** The following regulations shall apply to motels:
1. *Accessory facilities.* A motel must include at least one of the following amenities:
    - a. An attached dining room with seating capacity for at least 20 occupants at the same time, serviced by a full-service kitchen; or
    - b. An unattached standard restaurant, as defined in this Ordinance, with seating capacity for not less than 50 occupants, located on the same site as the motel or on a site contiguous with the motel and developed simultaneously or in advance of the motel site.
  2. *Design.* Each unit shall contain at least a bedroom and bath and a minimum gross floor area of 250 square feet.
  3. *Services.* Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- V. **Nursing homes and convalescent homes.** The following regulations shall apply to nursing homes and convalescent homes:
1. *Lot area.* The minimum lot area shall be three acres. However, the township board may consider a lot of less than three acres, based on a recommendation from the planning commission; provided that the lot abuts permitted nonresidential uses, such as a church, fire department, public library, or other nonresidential building or use.
  2. *Frontage and access.* Such uses shall front onto or have direct access to a paved major thoroughfare, except that the township board may consider access to the major thoroughfare via a driveway or other secondary road so as to minimize curb cuts in the interest of public safety, upon recommendation from the planning commission.

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3. *Setbacks.* The principal building and all accessory buildings shall be set back a minimum distance of 75 feet from all property lines and from the planned right-of-way line.
  4. *Open space.* Common outdoor open space shall be provided, subject to the following:
    - a. Landscaped open space shall constitute a minimum of 15 percent of the total site. Enclosed courtyards may be counted as landscaped open space.
    - b. Street rights-of-way, required setback areas, access drives, the submerged area of a pond, lake, or stream, and wetlands shall not be counted as required open space.
  5. *Landscaped screening.* Perimeter screening shall be provided, in accordance with the requirements of section 15.02, subsection E.1.
  6. *State and federal regulations.* Nursing homes and convalescent homes shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
- W. **Oil and gas processing plants.** The following regulations shall apply to oil and gas processing or sweetening plants:
1. *Setbacks.*
    - a. Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential, commercial, or industrial establishments, wetlands, or surface water.
    - b. Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.
  2. *Density.* There shall be not more than one oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two-mile radius.
  3. *Screening.* Oil and gas processing facilities shall be screened in accordance with section 15.02, subsection E.
  4. *Air pollution control.* Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times.
  5. *Fire detection.* The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the fire chief. Fire eyes shall be installed in storage tank areas and in process buildings.
  6. *Noise.* Oil and gas processing plants shall comply with the noise standards set forth in article 20.00.
  7. *Automatic alarm system.*
    - a. In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to, the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate.

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- b. The alarm system shall be operated through a bonded alarm company approved by the township. The alarm company shall be instructed to contact the township fire department dispatcher and plant operating personnel.
  8. *Site security.* The following security measures shall be maintained on the site:
    - a. *Fencing.* The site shall be fully enclosed with a six-foot high chain link fence with three strands of barbed wire along the top of the fence.
    - b. *Locking of the facility.* All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
    - c. *Signs.* "Poisonous Gas" or other appropriate warning signs shall be placed at 50-foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
    - d. *Lighting.* The site shall be adequately lighted, in accordance with section 12.11.
    - e. *Telephone monitoring system.* In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
  9. *Preventative maintenance.* The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
  10. *Site closure.* In the event that operation of the facility is terminated for a period exceeding six months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seed.
  11. *Other approvals.* The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to, the Michigan Department of Natural Resources (MDNR) Hazardous Waste Division, Michigan Pollution Control Commission, Oakland County Health Department, Oakland County Road Commission, Oakland County Drain Commission, MDNR Groundwater Division, MDNR Local Water Quality Division, and Michigan Department of State Police Fire Marshall Division.
  12. *Performance guarantee.* Prior to issuance of a building permit, the township may require submission of a performance guarantee, in accordance with article 17.00.
- X. **Open-air business.** The following regulations shall apply to permanent open-air businesses:
1. *Lot area.* The minimum lot size for open-air businesses shall be 21,780 square feet.
  2. *Driveway location.* The nearest edge of any driveway serving an open-air business shall be located at least 60 feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least 20 feet from any side property line.
  3. *Parking setback.* Parking shall be setback a minimum of ten feet from any road right-of-way line.
  4. *Lot width.* The minimum lot width for open-air businesses shall be 100 feet.
  5. *Loading and parking.* All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.
  6. *Outdoor display of vehicles.* The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the requirements in section 19.02, subsection D.
  7. *Plant material nursery.* Nurseries which deal with plant materials shall comply with the following:

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- a. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
  - b. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
8. *Roadside stands.* Roadside stands shall be subject to the requirements in section 19.02, subsection BB.
  9. *Outdoor seating for restaurants.* Outdoor seating for restaurants, standards restaurants that are part of a golf course clubhouse, and ancillary uses such as outdoor food preparation, shall be subject to the following requirements:
    - a. The outdoor seating shall be accessory to a fully-operational restaurant located on the same site. The outdoor seating capacity shall be no greater than 50 percent of the indoor seating capacity.
    - b. The capacity of the outdoor seating area shall be considered along with the indoor seating for the purposes of determining compliance with required parking.
    - c. Entertainment, music, speakers, or similar devices shall be prohibited.
    - d. A site plan shall be submitted for review. The site plan shall indicate the location of the outdoor seating, proposed lighting, access, fences, landscaping, trash removal, setbacks from property lines, and other proposed improvements associated with the outdoor seating.
    - e. Outdoor food storage shall be prohibited. Outdoor food preparation may be permitted; provided that, the location and type of cooking equipment is shown on the site plan, and subject to any conditions that may be imposed by the township to minimize the off-site impact of such operations.
    - f. The outdoor seating shall comply with the setback requirements for a principal building or structure.
    - g. Outdoor seating shall not face directly on a lot or parcel that is zoned or used for residential purposes.
    - h. Outdoor seating and outdoor food preparation shall be subject to applicable Oakland County Health Department requirements.
    - i. The site plan shall specify the plans for storage of tables, chairs, and equipment during the months when the outdoor seating is not in uses.
    - j. The outdoor seating shall in no way impair the use and enjoyment of adjacent or nearby properties.
    - k. Outdoor seating shall be subject to review and approval by the fire chief.
    - l. The hours of operation for the outdoor seating shall be specified on the site plan, which shall be subject to approval.

**Y. Wireless communication facilities.**

1. *General requirements.*
  - a. *Option A.* Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval if all of the following requirements are met:
    - (1) The wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound.

- (2) The existing wireless communications support structure or existing equipment compound is in compliance with the township Zoning Ordinance or was approved by the township planning commission.
  - (3) The proposed colocation will not do any of the following:
    - i. Increase the overall height of the wireless communications support structure by more than 20 feet or ten percent of its original height, whichever is greater.
    - ii. Increase the width of wireless communications support structure by more than the minimum necessary to permit colocation.
    - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  - (4) The proposed colocation complies with the terms and conditions of any previous final approval by the planning commission.
  - (5) Wireless equipment in a public right-of-way that meets the criteria of section 12.14.B.5.
- b. *Option B.* Wireless communications equipment is subject to special land use approval, in accordance with article 6.00 of the Zoning Ordinance, if the equipment does not meet requirements "(3)" and "(4)" under Option A, but the equipment meets all of the following requirements:
- (1) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - (2) The existing wireless communications support structure or existing equipment compound is in compliance with the township Zoning Ordinance or was approved by the township planning commission.
- c. *Option C.* Wireless communication equipment is subject to special land use approval, in accordance with article 6.00 of the Zoning Ordinance if the proposal does not involve colocation (e.g., a new facility).
2. *Approval procedures.* The following procedures have been established to achieve approval of a proposed wireless communications facility:
- a. *Option A.* Option A wireless communication equipment proposals require no zoning approval. However, plans for Option A improvements shall be submitted to the township.
  - b. *Option B.* Option B wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures in section 27.03 and the following special procedures:

<u>Steps</u>	<u>Action</u>
1.	Applicant submits plan and \$1,000.00 fee.
2.	Within 14 days township administration determines if application is complete.
3.	If application is incomplete, administration notifies applicant.
4.	If application is complete, administration initiates special land use review by scheduling special land use public hearing. Special land use review must be completed within 60 days after the application is considered complete.
5.	Township planner reviews plan, transmits letter to planning commission.
6.	Planning commission reviews plan, makes recommendation to township board.
7.	Township board approves or denies application.

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- c. *Option C.* Option C wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures outlined for Option B, except that in Step 4 the special land use review must be complete not more than 90 days after the application is considered complete.
3. *Standards and conditions.* All applications for wireless communication facilities shall be reviewed in accordance with the standards in this Ordinance that apply generally to site plan review and special land use review, and subject to the following standards and conditions. If approved, such facilities shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed by the planning commission and township board.
- a. *Public health and safety.* Facilities and/or support structures shall not be detrimental to the public health, safety and welfare.
- b. *Compliance with federal, state and local standards.* Wireless communication facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics Commission. Wireless communication support structures shall comply with all applicable building codes.
- c. *Maximum height.* The maximum height of a new or modified support structure and antenna shall not exceed 120 feet. Higher towers may be permitted, however, if necessary to achieve colocation. The buildings, cabinets, and other accessory structures shall not exceed the maximum height for accessory structures in the zoning district in which the facility is located.
- d. *Minimum setbacks.*
- (1) The setback of a new or modified support structure from any residential-zoned district or existing or proposed right-of-way or other publicly traveled road shall be no less than the total height of the structure and attachments thereto.
  - (2) Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the support structure shall comply with the required setbacks for principal buildings specified in the schedule of regulations for the zoning district in which the facility is located.
  - (3) Buildings and facilities accessory to the wireless communication facility (other than the support structure) shall comply with the required setbacks for principal buildings specified in the schedule of regulations for the zoning district in which the facility is located.
- e. *Access.* Unobstructed permanent access to the support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The permitted type of surfacing, dimensions and location of such access route shall be subject to approval by the planning commission, based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.
- f. *Division of property.* The division of property for the purpose of locating a wireless communication facility shall be permitted only if all zoning requirements, including lot size and lot width requirements, are met.
- g. *Equipment enclosure.* If an equipment enclosure is proposed as a building or ground-mounted structure, it shall comply the required setbacks and other requirements specified for principal buildings in the schedule of regulations for the zoning district in which the facility is located. If an

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equipment enclosure is proposed as a roof appliance on a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.

- h. *Design objectives.* The support structure and all accessory buildings shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. Support structures shall not have lights unless required otherwise by the Federal Aviation Administration (FAA). Equipment buildings shall have a masonry brick or brick-like exterior. No signs or logos visible from off-site shall be permitted on a support structure.
  - i. *Fencing.* Wireless communication facilities shall be enclosed by an open weave, green vinyl-coated, chain link fence having a maximum height of six feet. Barbed wire is not permitted.
  - j. *Structural integrity.* Wireless communication facilities and support structures shall be constructed and maintained in structurally sound condition, using the best available technology, to minimize any threat to public safety.
  - k. *Maintenance.* A plan for the long-term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the township if maintenance responsibilities change.
  - l. *Screening.* Evergreens shall be planted to provide a complete screen around the facility. The evergreens shall be six feet in height at the time of planting. The planning commission has the authority to waive the screening requirement in consideration of the character of surrounding land use and/or the degree of screening provided by existing plant material.
4. *Removal.* A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
- a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - b. Six months after new technology is available at reasonable cost, as determined by the township board, which permits the operation of the communication system without the requirement of the support structure.
    - (1) The situations in which removal of a facility is required, as set forth in subsection 4. above, may be applied and limited to portions of a facility.
    - (2) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition, removal, and site restoration.
    - (3) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
5. *Application requirements.*
- a. *Site plan and special land use review.* If required, a site plan prepared in accordance with article 5.00 shall be submitted, showing the location, size, screening and design of all buildings, outdoor

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equipment, and structures. In addition, special land use review is required, approval procedures and standards in article 6.00 shall be followed.

- b. *Landscape plan.* If screening is required, a landscaping plan shall be submitted illustrating the number, species, location, and size at the time of planting of all proposed trees and shrubs. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- c. *Structural specifications.* Structural specifications for the support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennae capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the township engineer.
- d. *Security.* The application shall include a description of security to be posted immediately upon issuance of a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as previously noted. The amount of security shall be determined by the township engineer. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or (4) an agreement in a form approved by the township attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the township in securing removal.
- e. *Service area documentation.* The application shall include a map showing existing and known proposed wireless communication facilities in the township and in areas surrounding communities, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If such information is on file with the community, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy {MCL 15.243(l)(g)}. This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the township.
- f. *Contact person.* The application shall include the name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

**Z. Recreation facilities.**

- 1. *Outdoor recreation activities and facilities.* Outdoor recreation activities and facilities, as would commonly be located in a park, shall comply with the following regulations:
  - a. *General requirements.*
    - (1) *Setbacks.* Principal and accessory buildings shall be set back at least 75 feet from all property lines.
    - (2) *Access.* Outdoor recreation uses shall have direct access onto a principal arterial, minor arterial, or collector road, as defined in the Lyon Township Master Plan.
    - (3) *Impact on surrounding properties.* The location, layout, design, and operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly



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development of adjacent and nearby properties. The planning commission may recommend to the township board hours of operation in order to assure compatibility with adjacent uses.

- (4) *Nuisance impacts.* Outdoor recreation activities shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent property would be impaired.
  - (5) *Parking.* Off-street parking for outdoor recreation activities shall comply with the dimensional requirements in section 14.01.
  - (6) *Accessory retail facilities.* Accessory retail or commercial facilities, such as food and beverage facilities and equipment shops, shall be designed to serve only the patrons of the outdoor recreation facilities, unless the retail or commercial facilities are listed as a permitted uses in the district in which they are located.
- b. *Off-road vehicle and snowmobile trails, gun ranges.* Courses or trails for off-road vehicles, snowmobiles, or similar use, and gun ranges, shall comply with the following regulations:
- (1) *Minimum parcel size.* A minimum of 80 acres shall be required for such uses.
  - (2) *Location.* The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.
- c. *Campgrounds.* Campgrounds, shall comply with the following requirements:
- (1) *Setbacks.* Buildings, structures, and areas designated for camping shall be located a minimum of 100 feet from all property lines. The storage of vehicles not set up for occupancy, such as maintenance vehicles, shall be located a minimum of 200 feet from all property lines, and shall be screened in accordance with section 15.02, subsection E.
  - (2) *Minimum campsite size.* Each campsite shall be at least 1,500 square feet in size.
  - (3) *Utilities.* Each campsite shall be provided with individual water and sanitary sewer connections approved by the Oakland County Health Division or shall have access to an on-site restroom and shower facility within 400 feet.
  - (4) *Fencing.* The entire campground shall be enclosed by a six-foot high fence, subject to applicable requirements in section 12.16. The fence may be located on the side and rear property lines, but shall be set back a minimum of 50 feet from any road right-of-way line. In lieu of a fence, along the front of the campground facing a road the planning commission may approve a landscaped berm, which shall be landscaped in accordance with section 15.02C.
  - (5) *Temporary residency.* Campgrounds shall be for seasonal recreation use only. Temporary residency for seasonal recreation use may only occur from April 1 to November 1. This provision shall not apply to the manager or caretaker.
  - (6) *Internal roads.* Internal roads may be paved or gravel and shall have a minimum width of 20 feet. There shall be no parking on the road surface. Parking on one side shall be permitted on roads having a minimum width of 27 feet.
  - (7) *Use of accessory facilities.* Accessory facilities commonly associated with campgrounds such as swimming pools, athletic courts and fields, beaches, picnic pavilions, boat launches and docks, club houses, and game rooms, shall be for the use of campers only and their gratuitous guests, and shall not be open to the general public.

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- (8) *State and county permits.* Permits received from state and county agencies regarding the campground shall be forwarded to the township.
  - (9) *Storage of unoccupied recreational vehicle prohibited.* The storage of unoccupied recreational vehicles is prohibited.
- d. *Swimming pools.*
- (1) *Enclosure.* Outdoor swimming pools in single-family districts shall be enclosed within a four-foot high fence; a six-foot high fence shall be required in all other districts. All fences shall be subject to the requirements in section 12.16. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available for children to open. Gates shall be securely locked when the pool is not in use.
  - (2) *Setbacks.* Swimming pools in single-family districts shall comply with the front and side setback requirements for the district in which they are located, and shall be located no closer than ten feet to the rear property line. In all other districts swimming pools shall be set back a minimum distance of 60 feet from all property lines. In no case shall a swimming pool be located in an easement or right-of-way.
  - (3) *Distance from buildings.* Swimming pools shall be located a minimum of four feet from any building on the same parcel. Swimming pools in single-family districts shall be located a minimum of 35 feet from the nearest edge of a residence on an adjoining lot.
  - (4) *Swimming pool clubs.* Swimming pool clubs in residential districts shall be incorporated as nonprofit organizations, and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another clearly-defined geographic area as specified in the club's articles of incorporation.
2. *Indoor recreation facilities.* Indoor recreation facilities, such as, but not limited to, bowling establishments, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, arcades, and similar indoor recreation uses shall comply with the following regulations:
- a. *Setbacks.* Indoor recreation uses shall be set back a minimum of 100 feet from any property line which abuts a residential district.
  - b. *Adverse impacts.* The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.
  - c. *Access.* Indoor recreation uses shall have direct access onto a major thoroughfare.
  - d. *Arcades.* Arcades shall be subject to the requirements of Lyon Township Ordinance No. 11.
  - e. *Arcades as accessory uses.* Where permitted as an accessory use, arcades shall comply with the following requirements:
    - (1) The arcade facilities shall be clearly incidental to the principal use on the site.
    - (2) The arcade facilities shall be accessible only from within the building which contains the principal use. The arcade shall have no direct means of access to the exterior of the building.
    - (3) The arcade shall operate only during the hours when the principal use is open for business.
    - (4) Sufficient additional off-street parking shall be provided to serve the arcade facilities.

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- (5) Where arcades are permitted as an accessory use to an eating or drinking establishment or private club or lodge, there shall be no more than one arcade for each 30 persons permitted at one time, based on the occupancy load established by local code.

AA. **Religious institutions.** The following regulations shall apply to all religious institutions, including churches, synagogues, temples, and so forth:

1. *Lot width.* The minimum lot width for religious institutions shall be 150 feet.
2. *Lot area.* The minimum lot area for religious institutions shall be two acres.
3. *Parking setback.* Off-street parking shall be prohibited in the front setback area and within 15 feet of the rear or side property line.
4. *Building setback.* Religious institutions shall comply with the following building setback requirements:  
Front yard: 75 feet.  
Side yards: 25 feet.  
Rear yard: 50 feet.
5. *Frontage and access.* Religious institutions shall be located on a major thoroughfare.
6. *Landscaping.* Religious institutions shall comply with the landscaping requirements set forth in section 15.03, subsection D.

BB. **Farm markets and roadside stands.** The following provisions shall apply to farm markets and roadside stands, as defined in section 3.02:

1. *Farm markets.*
  - a. *Structures.* Farm markets may have permanent or temporary structures. Unless exempt, structures shall be subject to inspection under the Single State Construction Code Act and Property Maintenance Code.
  - b. *Trash containers.* A sufficient number of trash containers shall be placed on the premises for public use.
  - c. *Building setbacks.* All buildings and structures shall meet the setback requirements for a principal structure for the district in which they are located.
  - d. *Parking.* Off-street parking shall be provided, which may be located in the front yard. Off-street parking may be located on a grass or gravel area for seasonal uses. Off-street parking shall be provided at the following rates: five spaces, plus one space per 200 square feet of interior retail floor area, plus one space per 1,000 square feet for outdoor activities. Parking shall comply with the dimensional and barrier-free parking requirements in article 14.00.
  - e. *Signs.* A farm market shall comply with sign requirements for the district in which it is located.
  - f. *Exterior lighting.* Parking lot and pedestrian route lighting shall be required for any roadside stand that operates after dusk or before dawn, subject to section 12.11. Adequate lighting shall be provided to assure the safety of pedestrians and drivers.
  - g. *Site plan review.* Farm markets shall require administrative site plan review.
2. *Roadside stands.*
  - a. *Temporary structures or buildings.* One temporary structure or building shall be permitted, which shall not exceed 200 square feet in gross floor area.

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- b. *Trash containers.* A sufficient number of trash containers shall be placed on the premises for public use.
  - c. *Building setbacks.* Any building shall be located no closer than 45 feet to the nearest edge of the paved surface of any paved road and no closer than 45 feet to the improved gravel surface of any unpaved road.
  - d. *Parking.* Off-street parking shall be provided, which may be located in the front yard. Off-street parking may be located on a grass or gravel area for seasonal uses. Off-street parking shall be provided at the following rates: five spaces, plus one space per 1,000 square feet for outdoor activities. Parking shall comply with the dimensional and barrier-free parking requirements in article 14.00.
  - e. *Signs.* A roadside stand shall comply with sign requirements for the district in which it is located.
  - f. *Exterior lighting.* Parking lot and pedestrian route lighting shall be required for any roadside stand that operates after dusk or before dawn, subject to section 12.11. Adequate lighting shall be provided to assure the safety of pedestrians and drivers.
  - g. *Site plan review.* Roadside stands shall require administrative site plan review.
- CC. **Sand and gravel extraction.** Sand, gravel, and topsoil deposits are unrenewable natural resources which are necessary and beneficial to the economy of the township and the region. The standards in this section are intended to assure removal of such resources occurs in a manner that is compatible with existing and proposed development and to insure the proper restoration of the land. Extractive operations shall also be subject to the regulations in Lyon Township Ordinance No. 9, the Soil Excavation and Landfill Ordinance.
- 1. *Review and approval process.*
    - a. *Permit required.* Permits shall be required for sand, gravel, and other extractive operations. Permits may be approved for a one-year period by the township board after recommendation by the planning commission. Unless the owner or operator of the extractive operation ignores or violates any conditions of approval, the permit may be renewed for one-year periods. A permit shall not be required for normal land balancing related to building site development, or for excavation of a basement or building foundation.
    - b. *Special land use approval.* Proposals for sand, gravel and other extractive operations shall be reviewed in accordance with the procedures for special land use review in article 6.00.
    - c. *Performance guarantee.* Submittal of a performance guarantee, in accordance with article 17.00, may be required as a condition of approval of a sand, gravel, or other extractive operation.
    - d. *Inspections.* To insure compliance with ordinance requirements, the building official shall conduct periodic inspections and shall file a written notice to the permit holder if a violation is found. Thirty days prior to the renewal date of permit, the building official shall file a written report with the township board on the status and compliance of the operation.
    - e. *Violations.* In the event of deviation from an approved plan, the building official shall notify the permit holder of a violation. Failure to correct the violation within 30 days shall automatically void any permits issued, and shall prevent the issuance of new permits until such time as the violation has been corrected. Appeals from a decision of the building official regarding an alleged violation shall be directed to the township board.
  - 2. *Application data requirements.* Applications for a permit for a sand, gravel or other extractive operation shall include the following information, in addition all additional information required as a part of site plan review and special land use review:

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- a. *Aerial photograph.* Vertical aerial photograph, enlarged to a scale equal to one inch equal to 200 feet, from an original photograph at a negative scale no smaller than one inch equals 1,000 feet. The area covered by the vertical aerial photograph shall include: All land included in the petition; all contiguous land which is proposed to be used or has been used by the owner or leasehold applicant for any extraction, treatment or storage; and all public roads which can provide first point of access. Each such area or feature shall be delineated on the aerial.
  - b. *Survey.* Five copies of a land survey, prepared by an engineer or surveyor certified by the State of Michigan to prepare such survey, drawn to a scale of one inch equals 200 feet. This survey shall include the boundary of the entire tract by courses and distances, boundary of the area where the extraction is proposed, and the means of vehicular access to the proposed operation. An estimate of the quantity of excavation shall also be provided.
  - c. *Watershed report.* Report by a qualified soil scientist, soils engineer or geologist regarding the effect the proposed operation will have upon the watershed. Particular attention shall be focused on the impact on the water table. The report shall indicate if water bodies are to be created and the anticipated permanence of such.
  - d. *Master plan and timetable.* A master plan for the extraction of the natural resource deposits. The plan shall include a timetable for various stages of the operation and a restoration plan indicating how the parcel will be reused. A timetable for extraction and restoration shall be included for each yearly permit requested; subsequent requests shall include an evaluation of work completed in the preceding year. The restoration plan shall include the proposed use of the parcel, the proposed topography drawn at contour intervals of two feet, indication of waterbodies and other major physical features, and the delineation of areas intended to be partitioned or subdivided, including a preliminary layout.
  - e. *Access routes.*
    - (1) An explanation of the access routes that will be used, together with an estimate of the size, weight, and frequency of trips.
    - (2) The proposed routing shall be submitted to the Oakland County Road Commission (OCRC) for review. The township shall report any circulation or routing problems to the applicant and OCRC. After consultation with the OCRC, the township may request use of alternate access routes or limited use of existing problem routes.
  - f. *Compliance with subsection 3.* A detailed explanation of how the applicant intends to comply with the operating requirements contained in subsection 3, following.
3. *Operating requirements.* A sand and gravel extraction permit shall not be issued unless the applicant demonstrates that the operation will comply with all of the following requirements:
    - a. *General requirements.* The removal of sand, gravel, limestone or similar materials by excavation, stripping, mining or another method, and the on-site operations appurtenant to the extraction, including washing, grading, sorting, crushing and grinding operations, shall be carried on within the limits of an area approved for such activities. All extraction from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded, and further processed and stored within the limits of the area approved. No natural resource extracted outside the limits of this area shall be brought in for washing, grading, or further processing, except in instances where the township board, following planning commission recommendation, finds that such activities will not conflict with the reasonable use and development of neighboring properties. Resource-related industries including, but not limited to, concrete batching plants and asphalt mixing plants, shall not be permitted as a part of the operation unless specifically approved and regulated as an accessory operation to the principal permitted use.

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- b. *Setbacks.*
- (1) No topsoil, earth, gravel or sand shall be removed, and no excavation, washing and stockpiling of extracted material shall be conducted closer than 300 feet to the outer boundary of the area approved for extractive operation. This setback may be reduced upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding land use.
  - (2) Extractive operations shall not encroach upon required setback areas. Greenbelt plantings and landscaping shall be provided in the setback area as required.
- c. *Control of off-site impacts.*
- (1) In order to reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, grinding, loading, weighing, and other operational structures shall not be built closer than 300 feet from any public street right-of-way line or adjacent property lines.
  - (2) This setback may be reduced upon making the determination that the operations can still be carried out in a manner that is compatible with surrounding use. All such activities, equipment, roadways and material storage areas shall be treated, covered, muffled or otherwise controlled to minimize adverse impact beyond the property line. Trucks hauling extractive materials to or from the site shall be loaded and covered in accordance with all applicable state and county and local regulations.
  - (3) Private access roads serving the operation shall be treated to create dust-free surfaces for a distance of 300 feet from any public access road. Arrangements shall also be made to minimize dust on public access routes traveled in the township.
- d. *Frontage and access.* Extractive operations shall be located on parcels having minimum frontage of 250 feet on a thoroughfare which has a minimum right-of-way of 86 feet. However, the township may approve an extractive operation on a parcel of land that has no such frontage; provided that it adjoins an active extractive operation, whose timetable for development is not in conflict with the proposed operation; and provided further that written permission for access across the existing extractive parcel is secured from the owner in fee or leaseholder.
- e. *Fencing.* Extractive operations shall be subject to the following safety requirements:
- (1) Where slopes steeper than 30 degrees exist for a period of one month or more, access to such slopes shall be barred by a fence or similarly effective barrier at least six feet high and at least 50 feet outside the edge of the excavation with suitable gates to control access.
  - (2) Where collections of water one foot or more in depth exist for a period of one month or more in an area of 200 square feet or more, access to such collections shall be fenced as required in subsection (1) above.
  - (3) Where the extractive area is situated in marginal land areas consisting of swamp land or is bounded by natural bodies of water, a fence shall be required on those sides accessible via public rights-of-way and as the township board may require to secure safety. The township board may require the posting of "KEEP OUT - DANGER" signs.
  - (4) The installation of a six-foot high fence around the entire site with suitable gates shall be considered as compliance with the requirements of subsections (1) and (2) above.
- f. *Slopes.* Finished slopes shall be no steeper than three feet horizontal to one foot vertical. Where ponded water is created as a result of extraction, the 3:0 on 1:0 slope shall be extended into the water to a depth of five feet. The slope requirements shall be met as the work in any one section of the excavation proceeds.

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- g. *Fill material.* No garbage or refuse of any nature shall be used for fill. Only the following materials may be used for fill: Sand, gravel, clay, broken concrete, topsoil and other clean earth materials which provide a suitable base for future building sites.
  - h. *Reclamation bond.* The owner or operator shall post a performance bond in an amount to be determined by the township board to assure faithful completion of the reclamation plan.
  - i. *Liability.* The owner or operator shall maintain liability insurance with the township named as an insured party, and the township shall be indemnified and held harmless in respect to any liability and claims which may arise in conjunction with the extractive operations.
  - j. *Gravel roads.* Gravel roads which are within 300 feet of occupied residences shall not be used for ingress and egress to the excavation site. However, the owner or operator of the extractive operation may arrange at his expense to have such roads paved, subject to Oakland County Road Commission approval.
  - k. *Removal of structures and equipment.* All buildings, structures and equipment shall be removed within six months after completion of the excavation, unless otherwise permitted by the planning commission.
  - l. *Hours of operation.* Mining, processing and reclamation activities shall occur only during the following times:
    - (1) Processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 10:00 p.m.
    - (2) Mining or extracting operations shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
    - (3) Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 10:00 p.m.
  - m. *Top soil replacement.* Sufficient top soil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three inches of top soil when excavating operations are completed. The top soil replacement shall occur immediately following the termination of extraction operations. All replaced top soil shall immediately be planted with grass or other plant material acceptable to the township so as to prevent erosion. Lands under water or in approved beach areas are excluded from top soil replacement and planting requirements.
  - n. *Explosives.* Explosives shall be used in accordance with the regulations established by the Michigan State Police, Fire Marshall Division.

**DD. Stable and riding arenas.**

- 1. *Private stables.* Private stables, as defined in article 3.00 of this Ordinance, are intended for the keeping of horses or other large animals for the noncommercial use of the residents of the principal residential use on the site. Private stables shall comply with the following requirements:
  - a. *Location.* Private stables shall not be located on land that is a part of a recorded plat.
  - b. *Minimum size.* Private stables shall have a minimum of one acre of open pasture per animal.
  - c. *Setbacks.* All buildings in which animals are kept shall be located a minimum of 50 feet from any property line, any occupied dwelling or any other building used by the public. However, horses may be pastured to the side or rear property line, except that horses may be pastured no closer to the road than the front setback line or the front of the house, whichever is greater, unless otherwise permitted by the planning commission.

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- d. *Maintenance.* All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least 70 feet from any property line and shall be removed from the premises or spread and cultivated at least once per week so as to control odors and flies.
- 2. *Public stables.* Public stables, as defined in this Ordinance, shall comply with the following:
    - a. *Location.* Public stables shall not be located on land that is a part of a recorded plat.
    - b. *Minimum size.* Public stables shall have a minimum of one acre per animal, but in no event shall there be less than 100 acres.
    - c. *Setbacks.* All buildings in which animals are kept shall be located a minimum of 100 feet from any property line and a minimum of 50 feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line, except that horses may be pastured no closer to the road than the front setback line or the front of the house, whichever is greater, unless otherwise permitted by the planning commission.
    - d. *Maintenance.* All stables shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least 70 feet from any property line and shall be removed from the premises or spread and cultivated at least once per week so as to control odors and flies.
    - e. *Supervision.* Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.
- 3. *Riding arenas.* Riding arenas may be permitted as an accessory building in residential districts, subject to the following requirements:
    - a. *Location.* Riding arenas shall not be located on land that is a part of a recorded plat.
    - b. *Minimum size.* Riding arenas shall have a minimum of one acre per animal, but in no event shall there be less than ten acres.
    - c. *Private use.* Riding arenas shall not be open to the public. Accordingly, grandstands and other public facilities shall be prohibited. However, observation platforms or similar viewing facilities are permitted.
    - d. *Setbacks.*
      - (1) Riding arenas shall be located at least 500 feet from any subdivision, condominium development, or multiple-family residential development of record, as measured from the nearest edge of the riding arena to the nearest boundary line of the residential development.
      - (2) The riding arena and any outdoor practice track shall be located at least 100 feet from any property line in an R-1.0 district, and at least 125 feet from any property line located in another residential district.
      - (3) All buildings in which animals are kept shall be located a minimum of 100 feet from any property line and a minimum of 50 feet from any occupied dwelling and any other building used by the public. However, horses may be pastured to the property line, provided they are properly kept.
    - e. *Floor area.* The gross floor area of any riding arena building shall not exceed 10,000 square feet unless the site exceeds ten acres in size, in which case an additional 1,500 square feet of floor area may be permitted for each additional full acre of land; provided that in no instance shall a riding arena exceed 15,000 square feet in gross floor area.



- f. *Maximum height.* Riding arenas shall comply with the height requirements for the district in which they are located.
  - g. *Maintenance.* Riding arenas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least 70 feet from any property line and shall be removed from the premises or spread and cultivated at least once per week so as to control odors and flies.
  - h. *Permitted use.* Riding arenas shall be used for no other purpose except for riding, exercising, and training of horses. Riding arenas may contain stables.
  - i. *Written agreement.* All required conditions and limitations on the use of a riding arena shall be set forth in a written document, prepared in a recordable form. Upon approval the site plan and prior to issuance of a building permit, the agreement shall be recorded by the township in the Oakland County Office of the Register of Deeds, unless otherwise agreed to by the township board.
  - j. *Approval criteria.* The planning commission shall determine that all of the following criteria will be met prior to approving the plans for a riding arena:
    - (1) All requirements set forth in this subsection will be complied with.
    - (2) The arena will be for private use only for riding horses that are permanently stabled on the same property.
    - (3) No living quarters will be located in the arena building.
    - (4) The arena will be compatible in terms of appearance and function with surrounding land uses.
    - (5) The arena is not likely to negatively affect the value of other property in the area in which it is located.
4. *Stables for breeding and training horses.* Stables which are used solely for breeding and training horses and which do not satisfy the definition of "private or public stable" or "riding arena" shall be considered bona fide farms, as defined in article 3.00, and shall be subject to the regulations applicable to farms.
- EE. **Stamping plants, punch presses, press brakes and other machines.** The following regulations shall apply to stamping machines, punch presses, press brakes, and other machines:
- 1. *General requirements.* All such machines shall have shock absorbing mountings and be placed on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity prescribed by the manufacturer. All such machines shall comply with the noise and vibration standards in section 20.02.
  - 2. *Automatic screw machines.* Automatic screw machines shall be equipped with noise silencers, and shall not be located closer than 300 feet from any property zoned or used for residential purposes.
  - 3. *Setbacks.* Punch and stamp presses, other than hydraulic presses shall comply with the following capacity standards:

<b>Maximum Capacity (Tons)</b>	<b>Distance from Nearest Residential District (feet)</b>
50	250
100	300

150	500

Hydraulic presses shall comply with the following capacity standards:

Maximum Capacity (Tons)	Distance from Nearest Residential District (feet)
500	250
750	300
1,000	500

4. *Press brakes.* Press brakes shall be set back at least 300 feet from any property line zoned for residential use.

FF. **Veterinary clinics.** Veterinary clinics shall comply with the following requirements:

1. *Small animal clinics.*
  - a. *Enclosure.* All activities shall be conducted within a completely enclosed building.
  - b. *Setbacks.* All buildings shall be set back at least 200 feet from abutting land that is zoned for residential use.
2. *Large animal clinics.*
  - a. *Range of services.* The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.
  - b. *Access.* The veterinary clinic shall front on or have direct access to a hard-surfaced road.
  - c. *Accessory office uses.* Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.
  - d. *Setbacks.* No building other than a stable shall be located closer than 100 feet to any dwelling on the premises, 75 feet to any adjacent property line, and 200 feet to any residential district. These setback standards shall not preclude the subsequent rezoning and development of adjacent properties for residential purposes, even though such zoning or development may result in noncompliance with the setback standards.
  - e. *Maintenance.* All stables and treatment areas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be removed from the premises or spread and cultivated at least once per week so as to control odors and flies.
  - f. *Setback of stable or paddock.* No stable or confined paddock area shall be located nearer than 50 feet to any property line. Horses and livestock may, however, be pastured to the property line, provided the pasture is properly fenced.
  - g. *Minimum lot size.* Veterinary clinics shall have a minimum lot area of ten acres.
  - h. *Signs.* The veterinary clinic shall be permitted one identification sign, in accordance with article 16.00.

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- i. *Parking.* The veterinary clinic shall provide parking at the ratio of one space per 400 square feet of usable floor area in the clinic, plus one space per employee on the largest working shift. Parking shall comply with the requirements in article 14.00.

**GG. Concrete plants.** Concrete plants shall comply with the following regulations:

1. *Minimum lot size.* Concrete plants shall have a minimum lot area of three acres.
2. *Setbacks.* In order to reduce the effects of airborne dust, dirt, and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than 300 feet to any public or private road right-of-way line, no closer than 100 feet to any adjacent property lines, and no closer than 1,000 feet to any property that is not zoned or used for industrial or commercial purposes. Concrete plants shall be located only on property that is surrounded by other I-2 zoned property.
3. *Access.* Concrete plants shall have direct access onto a paved major thoroughfare. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.
4. *Stacking spaces.* A minimum of five stacking spaces shall be provided on the premises for trucks waiting to be loaded.
5. *Hours of operation.* Mixing, loading, and related plant activities shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
6. *Maximum size.* Concrete plants shall be of a low profile design and production shall be restricted to no more than 250 cubic yards per day.
7. *Layout.* Concrete batch plants and operations shall be entirely enclosed within a building.
8. *Outside storage.* Outside storage of materials other than sand, gravel and other natural materials used in the concrete manufacturing process shall be prohibited. Sand and gravel storage shall be enclosed on three sides with a wall or landscaped berm. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed 15 feet in height.
9. *Screening.* Concrete plant facilities, including parking and loading areas, shall be screened in accordance with section 15.02, subsection E.
10. *Truck traffic.* Truck traffic shall be limited to 25 trips leaving the site per day. Trucks hauling concrete mixing materials to the site shall be loaded and covered in accordance with all applicable state and county and local regulations.
11. *Back-up alarm.* All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device which automatically adjusts the volume so the alarm can be heard just above the ambient noise level.
12. *Truck washes.* All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the concrete plant site.
13. *Pollution control.* Concrete plants shall comply with the dust and noise standards set forth in article 20.00. The plan for fugitive dust shall address emissions from stockpiles, process sources, and traffic. Concrete plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a MDNR groundwater discharge permit has been obtained, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.
14. *Plan approval.* The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to, the Michigan Department of Natural Resources (MDNR) Air

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Quality Control Division, Michigan Pollution Control Commission and MDNR Groundwater Division. Evidence of approvals from these agencies shall be submitted to the township prior to final approval.

15. *Excess concrete.* The proposed recovery system for excess concrete must be noted on the site plan and approved by the township. Storage of excess concrete on the site shall not exceed the limits specified in the approved recovery plan. Excess concrete from other locations shall not be brought onto the site for recovery.
16. *Performance guarantee.* Prior to issuance of a building permit, the township may require submission of a performance guarantee, in accordance with article 17.00.

HH. **Recreational vehicle dealers.** Recreation vehicle dealers with repair facilities and outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used recreational vehicles and trailers licensed for over-the-road use, commonly known as camping trailers or pop-ups, motorhomes, fifth wheels, travel trailers and truck campers and typically containing sleeping, sanitary and food preparation capabilities that are normally intended for temporary lodging or shelter while traveling away from home.

1. *Minimum lot area.* The minimum lot area required for such uses shall be 20 acres.
2. *Minimum lot width.* The minimum lot width required for such uses shall be 250 feet.
3. *Frontage and road access.* The subject site shall front a major paved thoroughfare and the main means of access shall be via the thoroughfare.
4. *Grading surface and drainage.* Outdoor sales lots, parking areas and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, and shall be graded and drained so as to dispose of surface waters. Grading, surfacing and drainage plans shall be subject to review and approval by the township engineer.
5. *Driveway location.* The nearest edge of any driveway servicing an outdoor recreational vehicle sales area shall be located at least 100 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
6. *Setbacks.* Outdoor sales lots, parking areas and other vehicle maneuvering areas shall comply with the locational requirements for parking lots, as specified in section 14.01, subsection B.1.
7. *Public address system.* No exterior public address or speaker system shall be utilized.

II. **Agricultural tourism.** The following provisions shall apply to agricultural tourism operations, as defined in section 3.02:

1. *Buildings.* More than one building may be permitted per parcel. Unless exempt, buildings shall be subject to inspection under the Single State Construction Code Act and Property Maintenance Code.
2. *Trash containers.* A sufficient number of trash containers shall be placed on the premises for public use.
3. *Restrooms.* A sufficient number of restrooms shall be available for public use.
4. *Building and amenity setbacks.* Minimum front, side, and rear setbacks shall be 100 feet. In the interest of protecting the character of adjacent properties, all structures, parking areas, photo-taking locations, and other amenities shall comply with this standard, except for a reasonable driveway providing access from the road to the parking lot.
5. *Building height.* Buildings related to agritourism shall not exceed 35 feet in height.
6. *Parking.* Off-street parking shall be provided, which may be located on a grass or gravel area for seasonal uses. Off-street parking shall be provided at the following rates: One space per 200 square

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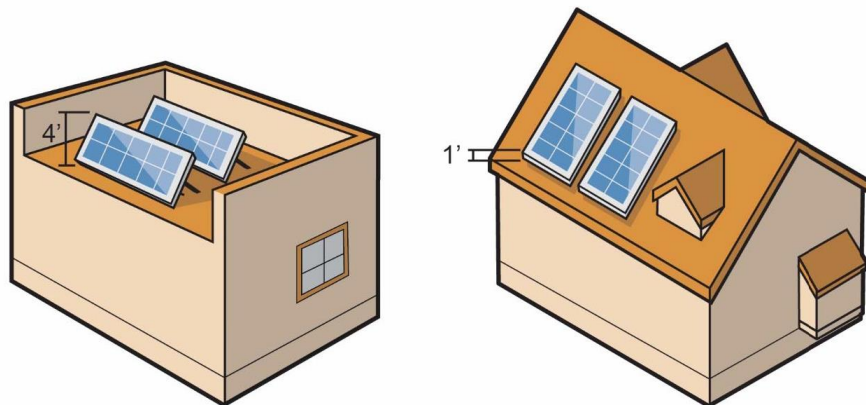
feet for buildings, plus one space per 1,000 square feet for outdoor activities. Parking shall be in compliance with the dimensional and accessible parking space requirements in article 14.00.

7. *Signs.* Agricultural tourism uses shall comply with the requirements for wall signs and freestanding signs in section 16.08, subsections C and D; however, where such a use has more than 1,000 feet of frontage, it may have one freestanding sign per 500 feet of frontage or fraction thereof.
8. *Exterior lighting.* Parking lot and pedestrian route lighting shall be required for any agricultural tourism use that operates after dusk or before dawn, subject to section 12.11. Adequate lighting shall be provided to assure the safety of pedestrians and drivers.
9. *Site plan review.* Agricultural tourism uses shall require site plan review, unless the facility contains non-agriculturally related uses or event facility rental space, in which case special land use review shall also be required.
10. *Paved road.* The site shall be accessed by a paved road.
11. *Food prep and disposal.* The method of anticipated food and beverage preparation and disposal for events held in the facility shall be described and the appropriate approving authority, if any, shall be consulted prior to the plan approval.
12. *Alcohol.* A liquor license is required for alcohol to be served on site.
13. *Noise.* Amplified music is permitted only within the principal structure, and only where the structure is enclosed. No amplified music shall be allowed after 11:00 p.m. All events shall be required to meet the regulations of the Lyon Township Noise Ordinance.
14. *Traffic.* A traffic impact analysis may be required by the planning commission for this use.
15. *Site and event security.* A written plan for on-site security measures (fencing, gates, cameras, etc.) shall be submitted with an application. Sensitive elements of the plan, such as specific camera locations, may be omitted.
16. *Event regulations.* The planning commission may place reasonable limitations on the maximum number of events and the hours of operation to minimize impacts on adjacent and nearby property owners.
17. *Minimum lot size and width.* The minimum lot size for agritourism uses shall be 30 acres. Minimum lot width shall be 300 feet, measured along the paved road frontage.

**JJ. Solar energy systems.**

1. *Purpose:* It is the purpose of this subsection to promote the safe, effective, and efficient use of solar energy systems to generate electricity. Further, it is the purpose of this subsection to standardize and streamline the review and permitting process for solar energy systems.
2. *Findings:* The township has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents, businesses, and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the township's energy supply.
3. *Solar energy systems (ten kW or less):*
  - a. Roof-mounted solar energy systems: Roof- and building-mounted solar energy systems are permitted accessory structures in all zoning districts, subject to the following regulations:

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- (1) *Height:* Roof-mounted systems shall not extend more than one foot above the surface to which it is affixed. However, where roof-mounted systems are fully screened from public view by parapet walls, the systems may extend up to four feet above the surface to which it is affixed.



### Solar Panels

Flat Roof with Parapet

### Solar Panels

Sloped Roof

- (2) *Building permit:* A building permit shall be required for installation of roof- and building-mounted systems.
- b. *Ground-mounted solar energy systems:* Ground-mounted and freestanding solar energy systems for residential use are permitted accessory structures in all zoning districts, subject to the following regulations:
- (1) *Location and setbacks:* Where feasible, ground-mounted solar energy systems shall be located to the rear of the dwelling unit. In the event that proper solar orientation cannot be achieved to the rear, a solar energy system may be located on the side of the dwelling unit. Solar energy systems shall also meet the minimum setbacks of the zoning district.
  - (2) *Height:* The height of the solar energy system and any mounts shall not exceed ten feet when oriented at maximum tilt.
  - (3) *Screening:* Landscaping shall be provided to screen the racking from view on all sides.
  - (4) *Building permit:* A building permit shall be required for any ground-mounted solar energy system.
  - (5) *Area:* Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.
- c. *Batteries:* When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- d. *Removal:* If a solar energy system ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the property owner shall remove the collectors, mounts, and associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the township may remove or secure the removal of the solar energy

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system or portion thereof, with the township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

4. *Solar energy facilities—Utility grade (over ten kW, operated by a utility company or governmental entity):*
- a. *Ground-mounted solar energy systems:* Ground-mounted and freestanding solar energy systems over ten kW capacity are permitted subject to special land use approval in the R-1.0, I-1 and I-2 zoning districts, and subject to the following regulations:
    - (1) *Location and setbacks:* The solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.
    - (2) *Height:* The height of the solar energy system and any mounts shall not exceed 15 feet when oriented at maximum tilt.
    - (3) *Screening:* Landscaping shall be provided to screen the racking from view on all sides.
    - (4) *Building permit:* A building permit shall be required for any ground-mounted solar energy system.
    - (5) *Area:* Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.
  - b. *Batteries:* When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
  - c. *Removal:* If a solar energy system ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the township may remove or secure the removal of the solar energy system or portion thereof, with the township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

**KK. Wind energy systems.**

- 1. *Purpose:* It is the purpose of this subsection to promote the safe, effective, and efficient use of wind energy systems to generate electricity and thereby reduce or replace on-site consumption of utility-supplied electricity. Further, it is the purpose of this subsection to standardize and streamline the review and permitting process for wind energy systems.
- 2. *Findings:* The township has found that wind energy is an abundant, renewable, and nonpolluting energy resource that some residents of the township would like to use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the township's energy supply.
- 3. *Small wind energy systems:*
  - a. *Where permitted:*

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- (1) Roof-mounted small wind energy systems are permitted by right in the R-1.0, residential - agricultural, and R-0.5, single-family residential districts, provided that all of the applicable requirements of this Ordinance are met.
  - (2) Tower-mounted small wind energy systems may be permitted as a special land use in the R-1.0, residential - agricultural, and R-0.5, single-family residential districts, provided that all of the applicable requirements of this Ordinance are met.
- b. *Minimum lot area:*
- (1) Roof-mounted small wind energy systems shall have no minimum lot area.
  - (2) Tower-mounted small wind energy systems shall be located on a lot with a minimum net area of one acre.
- c. *Maximum wind turbine height:*
- (1) Roof-mounted small wind energy systems shall have a maximum height of ten feet above the highest point of the roof.
  - (2) Tower-mounted small wind energy systems shall have a maximum height of 20 meters (65.617 feet).
- d. *Minimum setbacks:*
- (1) Roof-mounted small wind energy systems shall adhere to the minimum setbacks of the zoning district.
  - (2) Tower-mounted small wind energy systems shall be set back from all property lines, overhead utility rights-of-way and easements, and other towers a distance equal to or greater than the height of the windmill.
- e. *General standards:* The following requirements are applicable to all wind energy systems:
- (1) *Noise:* A wind energy system shall comply with the noise standards set forth in subsection 20.02(A).
  - (2) *Shadow flicker:* The application for a wind energy system shall include a shadow flicker analysis demonstrating impact on adjacent and nearby residential properties. Wind energy systems shall be constructed in locations that minimize the impacts of shadow flicker on residences.
  - (3) *Lighting:* No wind energy system shall be artificially lighted unless required by the Federal Aviation Administration (FAA).
  - (4) *Appearance, color and finish:* The wind energy system shall be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit. All wind energy systems shall be a single non-reflective, non-obtrusive, matte finished color (e.g., white or gray).
  - (5) *Signs:* The manufacturer or installer's identification sign, appropriate warning signs, and an owner identification sign, are permitted. All other signs are prohibited.
  - (6) *Electrical wires:* All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires, shall be located underground.
  - (7) *Compliance with electrical code:* Building permit applications for wind energy systems shall be accompanied by line drawings of the electrical components in sufficient detail to allow



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for a determination that the manner of installation conforms to the National Electrical Code.

- (8) *Construction codes, towers, and interconnection standards:* Wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems, including towers, shall comply with the FAA requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, as amended), and other applicable local and state regulations. A wind energy system connected to the public utility electrical grid shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- (9) *System access:* Small wind energy systems shall be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least eight feet above grade level.
- (10) *Safety:* A wind energy system shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
- (11) *Minimum ground clearance:* The lowest extension of any blade or other exposed moving component of a wind energy system shall be at least 20 feet above the surrounding grade at its highest point within 20 feet of the base of the tower and at least 20 feet above any outdoor surface intended for human use, such as balconies or roof gardens, that are located below the wind energy system.
- (12) *Roof-mounted small wind energy systems:* Roof-mounted small wind energy systems shall be limited to roof mounting and shall not be mounted on any other building wall or surface.
- (13) *Removal:* If a small wind energy system ceases to perform its intended function (generating electricity) for more than 12 consecutive months or has been abandoned, the property owner shall remove the wind energy system, electrical components, and all other associated facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the township may remove or secure the removal of the facility or portion thereof, with the township's actual cost and reasonable administrative charges to be drawn from the performance guarantee posted, or the costs and charges may be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.
- (14) *Performance guarantee:* All applications for a small wind energy system shall be accompanied by a performance guarantee in accordance with article 17.00, in an amount sufficient to ensure the decommissioning and removal of the system when it is abandoned or no longer needed.
- (15) *Insurance:* The applicant shall submit proof of sufficient property damage and liability insurance.
- (16) *Utility connection:* The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned wind energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

LL. **Commercial recreation facilities.** Commercial recreation facilities shall comply with the following requirements:

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1. *Compatibility with industrial development.* The primary goal of the township is to retain I-1 and I-2 zoned land for industrial, warehousing and research uses. When considering the approval of a proposed commercial recreation facility the compatibility of such a use with existing and possible future development in the vicinity shall be evaluated.
  2. *Parking.* In determining the number of parking spaces required to accommodate a proposed commercial recreation facility, the township shall consider the proposed types of uses and hours of operation. The planning commission may require that a parking demand study be provided by the applicant.
  3. *Broadcasting.* Exterior broadcasting of voices or music shall be prohibited.
  4. *Accessory uses.* Facilities for the sale and consumption of food and beverages, and the sale of supplies and equipment, for the sole benefit of users of the facility are permitted. Such accessory uses may operate during the hours of operation of the principal building.
  5. *Detrimental impacts on neighboring properties.* Management of the facility is responsible for control of exterior noise, littering and trespassing. If necessary, traffic management shall be required to maintain continuous ingress and egress and access to neighboring properties.

**MM. Brewpubs and microbreweries.**

1. *The following regulations shall apply to brewpubs, as defined in section 3.02*
  - a. Brewpub production shall not exceed 5,000 barrels of beer per year.
  - b. On-premises sale of alcoholic liquor by a brewpub is permitted, subject to the license obtained pursuant to the Michigan Liquor Control Act, as amended.
  - c. A brewpub may not sell its beer to other retailers or wholesalers.
  - d. Storage of hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure: 1) complies with the setback requirements for the district in which it is located; and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not exceeding 24 hours.
  - e. Brewpubs shall comply with the performance standards specified in article 20.00.
  - f. Brewpubs shall include a taproom or restaurant that provides full meal service for consumption by patrons while seated on the premises. Twenty-five percent of the gross sales of the restaurant shall be derived from the sale of food and nonalcoholic beverages. (The provision regarding "25 percent of the gross sales" is a State of Michigan requirement and would not be subject to local enforcement.)
  - g. No more than 50 percent of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
  - h. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to section 5.02, subsection B.14. Outside table service may be permitted in areas not designated for parking or loading/unloading, pursuant to section 19.02, subsection X.
  - i. Off-street parking shall be provided at the rate of one space per 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to brewery production shall not be counted as UFA. In addition, brewpubs shall

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provide employee parking at the rate of one parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in article 14.00.

- j. A brewpub's taproom or restaurant shall comply with State of Michigan regulations with respect to hours of operation.
  - k. Brewpubs are subject to review and approval under the township's industrial pretreatment program.
2. *The following regulations shall apply to microbreweries, as defined in section 3.02*
- a. Microbrewery production shall not exceed 30,000 barrels of beer per year.
  - b. A microbrewery may sell beer it manufactures to a licensed wholesaler who may resell the beer to licensed retailer.
  - c. Storage of hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure: 1) complies with the setback requirements for the district in which it is located; and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not exceeding 24 hours.
  - d. Microbreweries shall comply with the performance standards specified in article 20.00.
  - e. Microbreweries shall provide food service for consumption by patrons while seated on the premises. The term "food service" does not imply the need for a full-scale restaurant with complete kitchen.
  - f. No more than 65 percent of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.
  - g. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to section 5.07, subsection B.14. Outside table service may be permitted in areas not designated for parking or loading/unloading, pursuant to section 19.02, subsection X.
  - h. Off-street parking shall be provided at the rate of one space per 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to brewery production shall not be counted as UFA. In addition, microbreweries shall provide employee parking at the rate of one parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in article 14.00.
  - i. Microbreweries are subject to review and approval under the township's industrial pretreatment programs.

NN. **Small wine makers and hard cider producers.** It is the intent of the regulations in this sub-section to permit small wine makers and hard cider producers in the interest of providing jobs and promoting economic growth and agritourism. It is further the intent of these regulations to prevent development of small wine makers and hard cider producers that are out of scale or out of character with surrounding land use. Accordingly, small wine makers and hard cider producers, as defined in section 3.02 of the Zoning Ordinance, shall comply with the following regulations:

- 1. *Setbacks.* Principal and accessory buildings shall comply with the setback requirements for the district in which they are located.

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2. *Impact on surrounding properties.* The location, layout, design, operation, and size of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties. The planning commission may impose conditions on the facility to assure compatibility with adjacent uses.
  3. *Parking.*
    - a. *New Hudson Zoning District.* In the New Hudson Zoning District, parking shall comply with the requirements of section 41.401.
    - b. *Other Districts (R-1.0, B-2, and B-3).* In the R-1.0, B-2, and B-3 districts, all parking shall be provided in off-street parking lots, designed in accordance with article 14.00, off-street parking and loading requirements, except as follows:
      - (1) Off-street parking shall be set back a minimum of 20 feet from any property that is zoned or used for residential purposes.
      - (2) The number of spaces required shall be determined on a case-by-case basis, based on consideration of the types and sizes of facilities proposed and the number of employees anticipated.
  4. *Accessory commercial facilities.* Accessory commercial facilities, such as a wine or cider tasting room, a gift shop limited to merchandise related to the wine or cider business, or retail sales of wine or cider, may be permitted, subject to the following:
    - a. Accessory commercial facilities shall be clearly incidental to the principal small wine maker or hard cider producer use, and shall be designed to serve only the patrons of the small wine maker or hard cider producer use. In the R-1.0 district, accessory commercial facilities shall occupy no more than 25 percent of the gross floor space or 1,000 square feet, whichever is smaller.
    - b. Accessory commercial facilities shall be fully contained within a building.
    - c. All such accessory commercial facilities shall be clearly delineated on the site plan.
    - d. Permanent restroom facilities shall be required; portable toilet facilities shall not be permitted.
    - e. Accessory buildings shall comply with the dimensional requirements of the district in which they are located.
  5. *Permits and licenses.* Copies of all state and federal permits and licenses required to operate the facility shall be submitted to the township.
  6. *Signs.* In the New Hudson Zoning District, signs shall comply with the requirements in section 41.407. In the R-1.0 district, signs shall comply with the requirements for signs for approved non-residential principal uses in section 16.07.G. In the B-2 and B-3 districts, signs shall comply with the requirements for nonresidential district signs in section 16.08.
  7. *Single-family dwelling.* In the R-1.0 district, one single-family dwelling shall be permitted, to serve as the principal residence of the owner or operator of the facility.
  8. *Special events.* Special events, which may include music, food, wine tasting, and the like, shall require a special event permit issued by the township, pursuant to section 5.02.B.16.
  9. *Production limits.* Small wine makers and hard cider producers shall manufacture or bottle no more than 50,000 gallons in one calendar year.
  10. *Performance standards.* Small wine makers and hard cider producers shall comply with the performance standards in article 20.00.

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11. *Sanitary and septic disposal.* Small wine makers and hard cider producers that are connected to the township's sanitary sewer system are subject to the township's industrial pre-treatment requirements. Small wine makers and hard cider producers that are connected to a septic system must obtain approval from the Oakland County Health Division prior to establishment of the use.
  12. *Hours of operation.* In the R-1.0 district, the hours that a small wine maker and hard cider producer may be open to the public or for private events shall be 8:00 a.m. to 9:00 p.m. However, the planning commission may permit less restrictive hours of operation in the R-1.0 district, or may require more restrictive hours of operation in any zoning district, based the impact on adjacent and nearby properties, including the future development of adjacent and nearby properties.
- OO. **Small distiller.** The following regulations shall apply to small distillers, as defined in section 3.02:
1. *Setbacks.* Principal and accessory buildings shall comply with the setback requirements for the district in which they are located.
  2. *Impact on surrounding properties.* The location, layout, design, operation, and size of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties. The planning commission may impose conditions on the facility to assure compatibility with adjacent uses.
  3. *Storage.* All operations of the small distillery shall be contained within a fully enclosed building. There shall be no open storage of bottles, pallets, containers, or other material.
  4. *Performance Standards.* Small distillers shall comply with the performance standards in article 20.00.
  5. *Parking.*
    - a. *New Hudson Zoning District.* In the New Hudson Zoning District, parking shall comply with the requirements of section 41.401.
    - b. *Other districts (R-1.0, B-2, and B-3).* In the R-1.0, B-2, and B-3 districts, all parking shall be provided in off-street parking lots, designed in accordance with article 14.00, off-street parking and loading requirements, except as follows:
      - (1) Off-street parking shall be set back a minimum of 20 feet from any property that is zoned or used for residential purposes.
      - (2) The number of spaces required shall be determined on a case-by-case basis, based on consideration of the types and sizes of facilities proposed and the number of employees anticipated.
  6. *Accessory commercial facilities.* Accessory commercial facilities, such as a sampling room or a place to sell spirits to consumers for on-premises or off-premises consumption, may be permitted, subject to the following:
    - a. All such accessory facilities shall be clearly incidental to the principal small distillery, and shall be designed to serve only the patrons of the small distillery. In the R-1.0 district, accessory commercial facilities shall occupy no more than 25 percent of the gross floor space or 1,000 square feet, whichever is smaller.
    - b. Accessory retail facilities shall be fully contained within a building.
    - c. All such accessory retail facilities shall be clearly delineated on the site plan.
    - d. Permanent restroom facilities shall be required; portable toilet facilities shall not be permitted.
    - e. Accessory buildings shall comply with the dimensional requirements of the district in which they are located.

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7. *Permits and licenses.* Copies of all state and federal permits and licenses required to operate the facility shall be submitted to the township.
  8. *Signs.* In the New Hudson Zoning District, signs shall comply with the requirements in section 41.407. In the R-1.0 district, signs shall comply with the requirements for signs for approved non-residential principal uses in section 16.07G. In the B-2 and B-3 districts, signs shall comply with the requirements for nonresidential district signs in section 16.08.
  9. *Single-family dwelling.* In the R-1.0 district, one single-family dwelling shall be permitted to serve as the principal residence of the owner or operator of the facility.
  10. *Special events.* A special event, which may include music, food, tasting of spirits, and the like, shall require a special event permit issued by the township, pursuant to section 5.02.B.16.
  11. *Production limits.* Small distillers shall manufacture or bottle no more than 60,000 gallons annually.
  12. *Industrial pre-treatment.* Small distillers that are connected to the township's sanitary sewer system are subject to the township's industrial pre-treatment requirements. Small distillers that are connected to a septic system must obtain approval from the Oakland County Health Division prior to establishment of the use.
  13. *Hours of operation.* In the R-1.0 district, the hours that a small distiller may be open to the public or for private events shall be 8:00 a.m. to 9:00 p.m. However, the planning commission may permit less restrictive hours of operation in the R-1.0 district, or may require more restrictive hours of operation in any zoning district, based the impact on adjacent and nearby properties, including the future development of adjacent and nearby properties.

(Ord. No. 01-12, pt. 2, 2-6-2012; Ord. No. 09-12, pt. 2(exh. A), 11-5-2012; Ord. No. 03-13, § pt. 4, 10-7-2013; Ord. No. 05-13, pt. 3, 11-4-2013; Ord. No. 06-13, pt. 2, 11-4-2013; Ord. No. 07-13, pt. 3, 11-4-2013; Ord. No. 01-14, pt. 2, 1-7-2014; Ord. No. 10-14, pt. 3, 9-2-2014; Ord. No. 17-14, pts. 2, 3, 12-1-2014; Ord. No. 06-16, pts. 3,4, 10-3-2016; Ord. No. 03-17, pt. 10, 6-5-2017; Ord. No. 190-18, § 3, 5-7-2018; Ord. No. 191-18, § 1, 5-7-2018; Ord. No. 192-18, § 1, 5-7-2018; Ord. No. 193-18, § 3, 5-7-2018; Ord. No. 195-18, § 2, 6-4-2018; Ord. No. 198-18, § 1, 8-8-2018; Ord. No. 200-18, § 3, 9-4-2018; Ord. No. 05-20, § 1, 7-6-2020; Ord. No. 12-20, § 4, 1-4-2021; Ord. No. 01-21, § 1, 2-1-2021)

### **Section 19.03. Site development standards for residential uses.**

A. *Multiple-family and single-family attached housing requirements.* The following site development standards shall apply to attached housing developments, including development in the suburban townhouse and multiple-family residential, and New Hudson Zoning District:

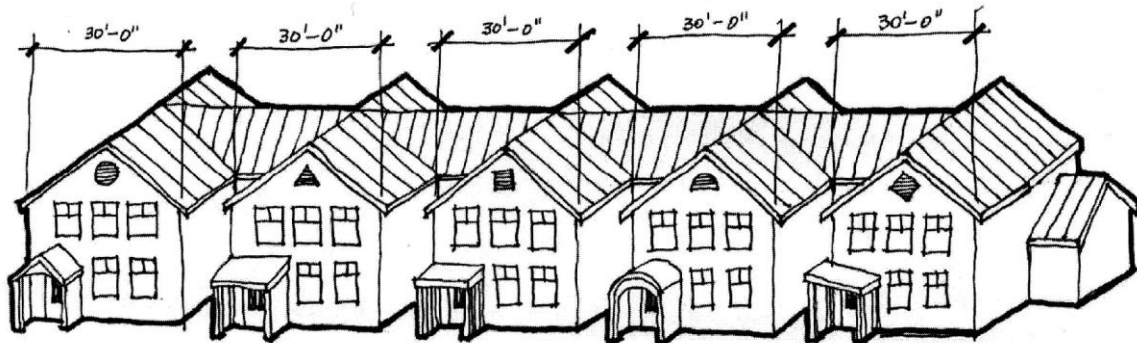
1. *Permitted density.*
  - a. *Basic formula.* The permitted density of development in multiple-family districts shall be based on the total number of rooms (excluding kitchen, dining and bathrooms), in accordance with the following formulae:

*RM-1 district:* The maximum number of rooms permitted shall be equal to the area of the parcel in square feet divided by 3,600.

*RM-2 district:* The maximum number of rooms permitted shall be equal to the area of the parcel in square feet divided by 1,800.

*TC district:* The maximum number of rooms permitted shall be equal to the area of the parcel in square feet divided by 1,210.

- b. *Minimum room requirements.* All units in the RM-1 district shall have at least one living room and one bedroom, and no more than 25 percent of the units may be one bedroom units. All units in the RM-2 district shall have at least one living room and one bedroom, and no more than ten percent of the units may be efficiency apartments.
- c. *Method of measuring land area.* The computations of land area for the purposes of determining density shall not include areas occupied by road rights-of-way or easements, or subaqueous areas, wetlands or floodplains. The first 20,000 square feet of a site that is not served by an approved public sanitary sewer shall be excluded from density computations.
2. *Building length.* Multiple-family buildings shall not exceed 150 feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together (see illustration). Horizontal facades longer than 30 feet shall be articulated into smaller units of the residential scale. At least two of the following methods shall be included (see illustration):
- Distinctive roof and wall forms or elements.
  - Changes in materials or patterns.
  - Windows (shape, pattern, trims and/or details)
  - Color differentiation.
  - Recesses, offsets, cantilevers.
  - Architectural features (bay or bow windows, chimneys, lower roofs and awnings).



Buildings shall include modulation along the building facades. Special attention shall be given to building faces viewed from the street. Flat blank walls are discouraged.

3. *Building spacing.* The minimum distance between any two buildings shall be based on the following tables:

<u>Relationship Between Buildings</u>	<u>Minimum Distance Between Buildings</u>
Front to Front	70 ft.
Front to Rear	70 ft.
Rear to Rear	70 ft.
Side to Side	30 ft.
Front to Side	50 ft.
Rear to Side	50 ft.

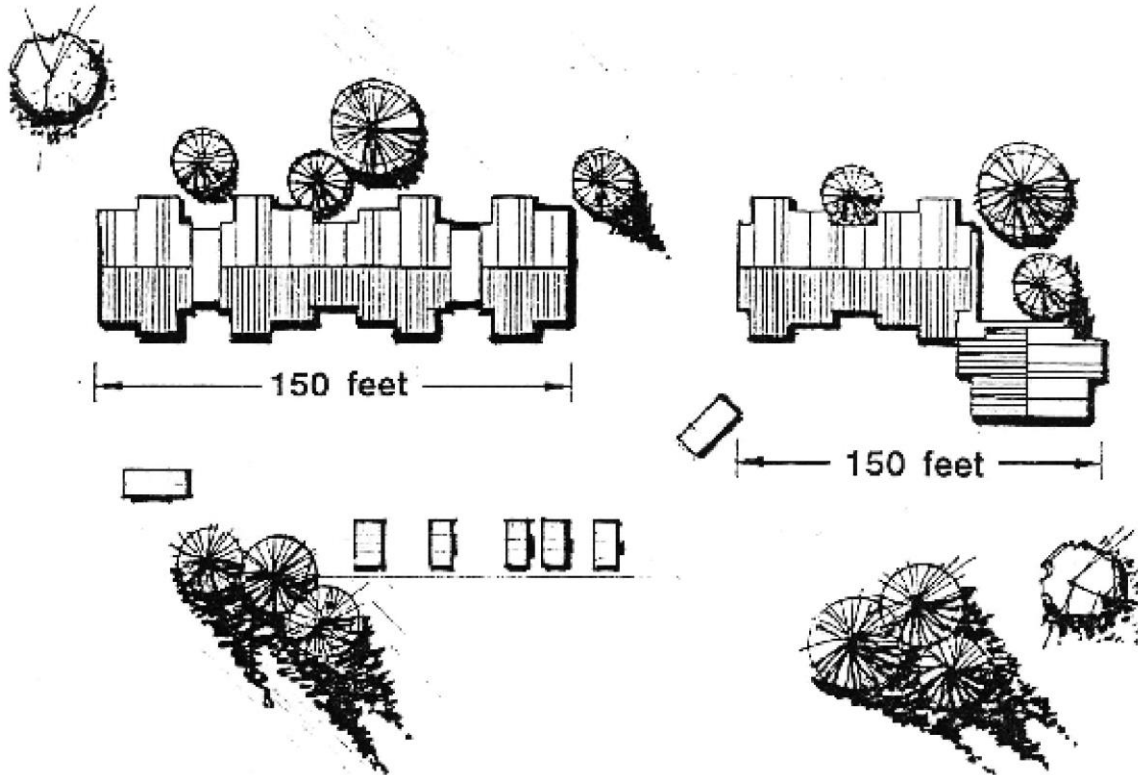
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4. *Street address.* The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area.
  5. *Access and circulation.* Multiple-family developments shall comply with the following requirements for access and circulation (see illustration):
    - a. *Access to roads.* RM-1 and RM-2, and TC developments shall have direct access to a collector road or major thoroughfare; however, alternate means of access may be permitted by the planning commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exists:
      - (1) The property directly across the street from the development under consideration is zoned for multiple-family or non-residential use; or
      - (2) The property directly across the street is developed with permanent uses other than single-family residences; or
      - (3) The proposed development is in an area which, based on study by the planning commission, will eventually be used for purposes other than single-family use.
    - b. *Emergency access.* All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:
      - (1) All roadways shall be paved and bi-directional, allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement; provided that, the median strip is a minimum of 25 feet in width, and the width of each paved moving lane in each direction is at least 15 feet.
      - (2) Streets with no outlet shall be terminated with a cul-de-sac, designed in accordance with standards established and periodically updated by the township engineer and kept on file in the building department. Such streets with no outlet shall not exceed 300 feet in length.
      - (3) Gatehouses and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access.
    - c. *Street dimensions.* On-site streets and drives shall comply with the standards in section 12.09, subsection C.
  6. *Sidewalks.* Sidewalks shall be provided within the development, located no less than five feet from and parallel to access drives. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units. The sidewalks shall be designed and constructed in accordance with section 12.15. Bicycle paths shall be provided along the collector road or thoroughfare on which the development fronts, in accordance with section 12.15.
  7. *Parking.* In addition to the requirements set forth in article 14.00, multiple-family developments shall comply with the following requirements:
    - a. *Location.* Required parking shall be located in parking lots or individual driveways, and not in streets or access drives. Parking may be permitted in required side and rear yard setback areas; provided that parking lots and access drives shall be located a minimum of ten feet from any property line or public right-of-way. Parking lots and access drives shall not be located closer than

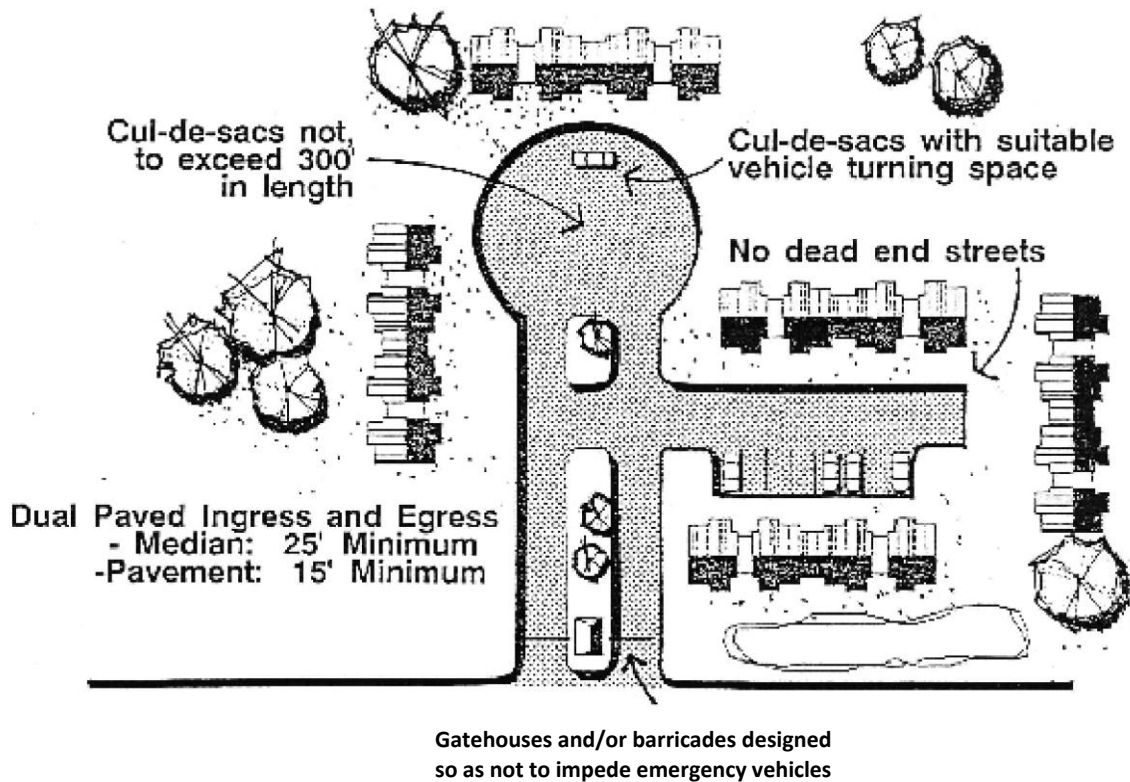


25 feet to a wall of any residential structure which contains windows or doors, nor closer than ten feet to a wall of any residential structure which does not contain openings.

- b. *Distance from dwelling units.* Parking shall be located within 150 feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.
- c. *Parking for community buildings.* Parking shall be provided for community buildings as specified in article 14.00.

**BUILDING LENGTH**  
section 19.03, subsection A.1





**ACCESS AND CIRCULATION**  
**section 19.03, subsection A.5**

8. *Lighting.* All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in section 12.11.
9. *Landscaping.* Multiple-family developments shall be landscaped in accordance with section 15.03, subsection C.
10. *Open space.* Open space shall be provided in any multiple-family development containing eight or more units. The open space shall comply with the following requirements:
  - a. *Size.* Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of 10,000 square feet of open space.

<u>Type of Unit</u>	<u>Open Space Required per Unit</u>
Efficiency unit	170 sq. ft. per unit
1 bedroom unit	250 sq. ft. per unit
2 bedrooms or more	350 sq. ft. per unit

- b. *Location.* Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited-use areas shall not be included in the required open space.

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- c. *Use of open space.* Uses permitted within the required open space include picnic and sitting areas, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor recreation facilities.
      - d. *Phasing.* Open space improvements shall be completed in proportion to the number of units constructed in each phase.
    - 11. *Garages.* Garages shall be permitted for each unit, in accordance with the provisions for accessory uses in article 18.00.
    - 12. *Antennae.* Each multiple-family building shall be permitted to erect one antenna, subject to the requirements in sections 12.14 and 12.17.
  - B. *Single-family development options.* The following site development standards shall apply to average lot size and single-family cluster developments:
    - 1. *Intent.* The intent of these provisions is to provide limited flexibility in the regulation of single-family developments for the purposes of:
      - a. Providing improved living and working environments in the township;
      - b. Preserving the natural beauty of the township;
      - c. Promoting more economic residential designs;
      - d. Encouraging ingenuity and originality in the total site design; and
      - e. Providing adequate usable open space, tree cover, recreation areas; and scenic vistas.

These provisions shall not be used to achieve higher density development on parcels where portions cannot be developed because of wetlands.
    - 2. *Scope of requirements.* Average lot size and single-family cluster developments may be approved in the R-1.0, R-0.5, or R-0.3 districts, whether developed as conventional single-family subdivision plats or as single-family condominium projects, subject to review and approval as provided for herein.
    - 3. *Eligibility criteria.* In considering any proposal for average lot size or single-family cluster development, the township shall make their determinations on the basis of the following criteria:
      - a. *Compatibility with adopted plans and ordinances.* The proposed development shall be consistent with the general principles and objectives of the adopted township master land use plan, the subdivision ordinance, and all applicable building codes.
      - b. *Compliance with applicable zoning standards.* The proposed development shall comply with applicable standards of this Ordinance, except as modified in accordance with the procedures and standards in this section.
      - c. *Impact on the township.* The proposed development shall not have a substantial or undue adverse impact upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities, and other matters affecting the public health, safety, and welfare.
      - d. *Impact on the neighboring property.* The proposed development shall be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations.
      - e. *Design diversity.* Diversity and originality in layout and building design shall be encouraged to achieve the best possible relationship between the development and the land.

- f. *Impact on residents.* Individual lots (if applicable), buildings, units, and parking areas shall be situated to avoid any adverse effects from shadows, noise, and traffic on the residents of the development.
  - g. *Impact on natural features.* Individual lots (if applicable), buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural features of the site which are intended to be preserved.
  - h. *Access to open space.* Open space intended for recreation or public use shall be easily accessible to pedestrians and shall meet the needs of the handicapped and elderly.
  - i. *Usability of open space.* The usability of open space which is intended for recreation or public use shall be determined by the size, shape, and topography of the site and the location requirements of the principal buildings or uses on the site.
  - j. *Access.* The proposed development shall front on and have direct access to a major or secondary thoroughfare having a minimum existing or planned right-of-way width of 86 feet.
  - k. *Natural features.* The parcel of land possesses natural features or resources which will be conserved, such as streams, watercourses, wetlands, tree stands, or unusual topographic features.
4. *Average lot size requirements.*
- a. *Permitted modifications.*
    - (1) Lot size and lot width may be reduced below the minimum standards for the zoning district in which the development is located, in accordance with the standards specified in this section. All such reductions shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.
    - (2) In no case shall the maximum dwelling unit density standards of the zoning district in which the development is located be exceeded. Except as specified in this section, other applicable standards for the district in which the development is located shall not be modified or changed.
  - b. *Lot standards.*
    - (1) Reduction in minimum lot size, lot width, and yard setback standards in average lot size developments shall be permitted as specified in the following table provided that each lot is capable of satisfying minimum county and township requirements with respect to septic system/sanitary waste treatment and potable water.

Zoning District	Minimum Lot Area Per Unit (sq. feet)	Lot Width (ft.)
R-1.0	30,000	110
R-0.5	15,000	90
R-0.3	12,000	75

Zoning District	Minimum Yard Setbacks (ft)		
	Front	Side	Rear
R-1.0	55	20	55
R-0.5	35	15	50
R-0.3	35	15	50

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- (2) Minimum side yard setbacks pertain only to interior lots. Where a side yard abuts a street, such as on a corner lot, the minimum required side yard setback shall be the same as specified for the front yard.
- c. *Open space requirements.* The township may require that common open space be permanently reserved and maintained as landscaped park or recreation space for the benefit of residents of the average lot size development. The size, configuration and location of such open space shall be subject to review and approval by the planning commission. Manmade stormwater retention areas shall not be counted toward required open space.
- The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, or through a conservation easement, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:
- (1) Specify ownership of the open space;
  - (2) Provide for maintenance of the open space by the private property owners having an interest in the open space;
  - (3) Provide for maintenance standards and a maintenance schedule;
  - (4) Provide for maintenance insurance; and
  - (5) Include any other specifics deemed necessary by the planning commission.
- d. *Review and approval process.* Proposals for average lot size development shall be reviewed in accordance with applicable procedures for special land uses, article 6.00.
5. *Residential density.* The overall density of units in a residential development may be based on the density that could be achieved with the underlying zoning (as defined in section 3.02). To approximate the density that could be achieved with the underlying zoning, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional requirements, and density allowed by right in the district in which the land is located. The parallel plan shall adhere to the following principles:
- a. It shall reflect a realistic assessment of regulated wetland use, considering the constraints imposed by the Michigan Department of Environment, Great Lakes and Energy (EGLE) and U.S. Environmental Protection Agency (EPA). Accordingly, the parallel plan shall minimize wetland fill and the need for mitigation. If wetland fill is proposed on the parallel plan, it shall not exceed the wetlands fill by more than the minimum lot area of the underlying zoning district (ex. R-1.0: 35,000 square feet; R-0.5: 17,000 square feet; and R-0.3: 12,000 square feet with public sewer).
  - b. All lots on the parallel plan shall be able to accommodate the proposed housing product without encroaching into required setbacks.
  - c. The parallel plan shall allocate land for stormwater management facilities in an amount necessary to accommodate the development's needs, pursuant to township engineering standards.
  - d. If the development will be using public water and sanitary sewer utilities, then the parallel plan shall be designed to use public water and sanitary sewer utilities. If the development will be using wells and septic systems, then the parallel plan shall be designed to use wells and septic systems.
  - e. The parallel plan shall comply with applicable requirements in the Zoning Ordinance and Township Code of Ordinances, including the Subdivision Ordinance. The parallel plan shall be

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used as an advisory tool to be used as a guide by the planning commission and township board to determine the appropriate density of a residential development. Thus, the design characteristics of a development may warrant an increase or decrease in the number of dwelling units above or below the number shown on the parallel plan.

- f. The computations of land area for the purposes of determining density shall not include areas occupied by road rights-of-way or easements, or subaqueous areas, wetlands or floodplains. The first 20,000 square feet of a site that is not served by an approved public sanitary sewer shall be excluded from density computations.
6. *Single-family cluster development.*
- a. *Permitted modifications.*
    - (1) Subject to review and approval procedures which follow, a mixture of two to four dwelling units may be attached, either through a common dwelling unit wall, a common garage wall, or an architectural feature, such as an archway; provided that, the common wall of adjoining dwelling units shall not overlap by more than 50 percent. However, common garage walls may overlap for their full distance on both sides.
    - (2) All such modifications shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specifications in this section.
    - (3) In no case shall the maximum dwelling unit density standards of the zoning district in which the development is located be exceeded. Except as specified in this section, other applicable standards for the district in which the development is located shall not be modified or changed.
  - b. *Setbacks.*
    - (1) The front yard setback requirements for the district in which the development is located shall be complied with on all sides of a cluster development which abuts a public road or street.
    - (2) A 75-foot setback shall be provided along the entire perimeter of a cluster development, except on sides which abut a public road or street.
    - (3) Dwelling units in a cluster development shall be set back a minimum of 30 feet from the easement of right-of-way line of any private road or drive serving the development.
    - (4) The minimum distance between any two building clusters shall be based on the standards in section 19.03, subsection A.3.
  - c. *Minimum floor area and height standards.* Dwelling units in a single-family cluster development shall comply with the floor area and height standards for the district in which the development is located.
  - d. *Landscaping.* Single-family cluster developments shall comply with the landscaping requirements in section 15.03, subsection C.
  - e. *Open space requirements.* The township may require that common open space be permanently reserved and maintained as landscaped park or recreation space for the benefit of residents of the single-family cluster development. The size, configuration, and location of such open space shall be subject to review and approval by the planning commission.

The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, or through a conservation

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easement, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:

- (1) Specify ownership of the open space;
- (2) Provide for maintenance of the open space by the private property owners having an interest in the open space;
- (3) Provide for maintenance standards and a maintenance schedule;
- (4) Provide for maintenance insurance; and
- (5) Include any other specifications deemed necessary by the planning commission.

f. *Building design.* Cluster housing units shall be designed in a manner that is compatible with surrounding development and the natural environment. Accordingly, when a cluster development faces or abuts a conventional single-family subdivision, the facades and orientation of the conventional units shall be used as a guide for the design and layout of the cluster units.

g. *Roads and utilities.* Proposed roads and utilities in a cluster development shall comply with adopted township standards, and shall be subject to review and approval by the township engineer.

h. *Review and approval process.* Proposals for single-family cluster development shall be reviewed in accordance with applicable procedures for special land uses, article 6.00.

C. *Mobile home park requirements.* All mobile home parks shall comply with the requirements of Michigan Public Act 419 of 1976, as amended. Further, all mobile home parks shall comply with the provisions of this Ordinance, the Michigan Mobile Home Commission Rules, and any other lawfully adopted ordinance of Lyon Township. Should any conflict in legally approved regulatory provisions occur, whichever provision imposes the more restrictive standard or higher standard shall prevail.

1. *Location.* Mobile homes shall be located only in those zoning districts in which mobile home land use is permitted by right or subject to special approval. All mobile homes in an MHP mobile home park district shall be located on an approved site in an approved mobile home park. Emergency or temporary parking of a mobile home on any street, alley, or highway may be permitted for a period not exceeding two hours, subject to any other limitations imposed by traffic or parking regulations or ordinances for that street, alley or highway.

2. *Mobile home standards.* Each mobile home shall be of contemporary design and shall contain sanitary waste disposal facilities, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external system as commonly found in modern mobile homes, and as specified in section 12.04. Each mobile home shall comply with the regulations for the district in which it is located, regulations of the U.S. Department of Housing and Urban Development as adopted on June 15, 1976, and all subsequent amendments to such standards and regulations. Mobile homes constructed prior to June 15, 1976 shall be in full compliance with MFPA 501B-1974/ANSI 119.1-1975 standards.

3. *Setbacks in the MHP district.*

- a. Mobile homes shall comply with the minimum distances specified in R125.1945, Rule 941 of the Michigan Administrative Code.
- b. No mobile home unit shall be located within 50 feet of the right-of-way of a public thoroughfare, or within 35 feet of any other mobile home park property line.
- c. No mobile home unit exterior wall surface shall be located within 20 feet of any other mobile home unit's exterior wall surface.

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4. *Permit.* It shall be unlawful for any person to operate a mobile home park unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public Act 419 of 1976, as amended. The building official shall communicate his recommendations regarding the issuance of such licenses to the Director of Mobile Home Division, Corporation and Securities Bureau, Michigan Department of Commerce.
  5. *Violations.* Whenever, upon inspection of any mobile home park, the building official finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the building official shall give notice in writing by certified mail to the Director of Michigan Mobile Home Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
  6. *Inspections.* The building official or other authorized township agent is granted the authority, as specified in Michigan Public Act 419 of 1976, as amended, to enter upon the premises of any mobile home park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein or other applicable township ordinances.
  7. *Park site development standards.*
    - a. *Park size.* Mobile home parks shall be at least 40 acres in size.
    - b. *Access.* All mobile home parks shall have access to a major thoroughfare.
    - c. *Interior roadways.*
      - (1) All interior roadways and driveways shall be hard-surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that stormwater from the roadway will not drain onto the mobile home lots.
      - (2) Main access drives shall be no less than 22 feet in width. Parking shall not be permitted on 22-foot wide drives.
      - (3) Secondary access drives shall be no less than 22 feet in width. Parking shall not be permitted on 22-foot wide drives.
    - d. *Sidewalks.* Concrete sidewalks shall be constructed on the street side of each mobile home lot in accordance with established engineering standards for the township. Required sidewalks shall be no less than five feet in width. Sidewalks shall be placed not less than three feet from the edge of the curb of a main access drive, but may be placed contiguous to the curb of a secondary access drive. The areas between the sidewalk and curb shall be seeded or sodded with grass, and shade trees may be planted in the area.
    - e. *Water and sewer service.* All mobile home parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Oakland County Health Department and the Michigan Department of Health. Running water shall be piped to each mobile home lot with a minimum available pressure of 20 pounds per square inch for each lot. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
    - f. *Storm drainage.* All developed portions of the mobile home park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable local, county and state regulations and shall be subject to review and approval by the township engineer.



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- g. *Telephone and electric service.* All electric, telephone, cable TV, and other lines within the park shall be underground.
  - h. *Fuel oil and gas.* Any fuel oil and gas storage shall be centrally located in underground tanks, at a safe distance from all mobile home sites. All fuel lines leading to mobile home sites shall be underground and designed in conformance with the Michigan Administrative Code and other applicable local, county and state regulations.
  - i. *Television antennas.* Individual exterior television antennas shall not be placed on any mobile home unit or lot. The mobile home park may provide: (a) master exterior television antenna(s) for connection to individual mobile home units; (b) or an underground cable television system may be installed.
8. *Skirting.* Each mobile home must be skirted within 90 days after establishment in a mobile home park. In the event that skirting cannot be installed in a timely manner due to inclement weather, the building official may permit extension of the time period. All skirting shall conform to the installation and materials standards specified in the Michigan Administrative Code, R125.1604, Rule 604.
9. *Canopies and awnings.*
- a. Canopies and awnings may be attached to any mobile home, provided they are in compliance with the Michigan Administrative Code, R125.1941, Rule 941 (1)(b)(ii); and provided further that they shall not exceed 12 feet in width or exceed the length or the height of the mobile home.
  - b. A building permit shall be required for construction or erection of canopies or awnings, or for construction of any area enclosed by glass, screens, or other material, such that the enclosed area will be used for more than casual warm weather leisure.
10. *Landscaping.* Mobile home parks shall be landscaped in accordance with section 15.03, subsection B.
11. *Open space.* Each mobile home park shall provide a minimum of 25,000 square feet of open space area. The open space shall be increased by 250 square feet for each mobile home site in excess of 50 mobile home park sites.
12. *Accessory storage areas.*
- a. A fenced and screened parking area shall be located within each mobile home park for the storage of residents' carrying trailers, boats, snowmobiles, motorized recreational vehicles, and other similar equipment. Such equipment shall not be stored elsewhere in the park.
  - b. Each mobile home shall be provided with an accessory storage building having at least 80 square feet of floor area for the storage of household items, lawn equipment, and similar possessions.
13. *Garbage and refuse collection.* Garbage and refuse collection areas shall be screened in accordance with section 2.12.
- D. *Senior housing.* Senior housing shall be subject to the following regulations:
- 1. *Intent.* It is the intent of these regulations to permit the development of senior housing in the township upon determining that the location, size, design, and operating characteristics of the use will be compatible with the surrounding neighborhood. In making this determination, consideration shall be given to the scale, coverage, and density of development; to the availability of utilities and services; to the generation of traffic and capacity of surrounding roads; and to other relevant impacts.
  - 2. *Minimum site size.* The minimum site size for a senior housing development shall be five acres, except where the site abuts a nonresidential zoning district, in which case the planning commission may permit a site having a minimum area of three acres.
  - 3. *Project density.* The number of dwelling units within the facility shall not exceed the following density:

	Types of Facilities		
	<b>Independent Living</b> (including senior apartments)	<b>Dependent Living</b> (including Homes for the Aged, Assisted Living, Adult Foster Care)	<b>Continuing Care</b> (a combination of independent and dependent living)
<b>Maximum Number of Units Per Net Acre</b>	8	20	Density shall be based on the proportion of each type of unit.

4. *Setbacks.* The minimum setbacks for senior housing shall be as follows:
  - a. *Front:* 40 feet from the planned right-of-way line.
  - b. *Each side:* 30 feet.
  - c. *Rear:* 30 feet.
5. *Spacing between buildings.* The minimum spacing between buildings shall be in accordance with the following requirements:

Building Relationship	Minimum Building Separation
Front to Front	60 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Side to Side	20 feet
Front to Side	50 feet
Rear to Side	50 feet

6. *Minimum floor area per unit.* The minimum floor area per dwelling unit shall be as follows:

	<b>Independent Living</b> (including senior apartments and congregate housing)	<b>Dependent Living</b> (including assisted living)
Studio or Efficiency	450 sq. ft.	Regulated by state licensing requirements
1 bedroom	600 sq. ft.	
2 bedroom	800 sq. ft.	
3 or more bedrooms	800 sq. ft. + 150 sq. ft. for each additional room over four	

7. *Building and site design.*
  - a. *Building length.* No building shall exceed 375 feet in overall length, measured along any continuous elevation.

- b. *Building articulation.* Building facades of greater than 100 feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.
  - c. *Roof.* Roofs shall be sloped with a pitch of no less than 5:12. There shall be variations in roof lines to reduce the scale of the building and to add interest.
  - d. *Sidewalks.* Sidewalks shall be provided from the main building entrance(s) to sidewalks along adjacent public or private streets.
  - e. *Resident access.* The pick-up/drop-off of residents shall be provided at the front entrance of the building with a covered canopy.
8. *Building height.* The maximum building height shall be 35 feet in height and a maximum of three stories.
9. *Maximum coverage.* The maximum coverage of the site by buildings shall be limited to 30 percent of the net site area (not including planned right-of-way).
10. *Parking.* Senior housing shall comply with the following requirements:

Use	Required Number of Parking Spaces per Unit of Measure
Senior Apartments	Two per Dwelling Unit
Assisted Living, Home for the Aged	One per four units, plus one per employee based on the greatest number of employees in any one shift
Congregate Care	One per two units, plus one per employee based on the greatest number of employees in any one shift
Independent Living, other than Senior Apartments	One per unit, plus one per employee based on the greatest number of employees in any one shift

11. *Loading.* Loading areas shall be located to the side or rear of the building being served such that it is screened from view from adjoining roads and adjacent residential area.
12. *Vehicular access.* All vehicular access to the site shall be from a paved collector or primary road. The planning commission may allow secondary access from local streets. Vehicles must be able to easily circulate within and through the site to designated pick-up/drop-off areas without impeding circulation on the site or traffic on adjacent roads.
13. *Open space.* Common outdoor recreation space shall be provided for residents, subject to the following:
- a. Landscaped open space for residents shall constitute a minimum of 15 percent of the total site. Enclosed courtyards may be counted as landscaped open space.
  - b. Recreation facilities including paved walkways and covered sitting areas shall be provided in a manner that meets the needs of the resident population.
  - c. Street rights-of-way, required setback areas, access drives, submerged land areas of a pond, lake, or stream, and wetlands shall not be counted as recreation space.

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14. *Lighting.* All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the safety of persons using such areas and the security of property, in accordance with the requirements set forth in section 12.11.
  15. *Landscaping and screening.* Senior housing developments shall comply with the landscaping and screening requirements in section 15.03, subsection C.
  16. *Public utilities.* Senior housing facilities shall have access to a public sanitary sewer system and wastewater treatment system with adequate capacity.
  17. *Resident services.* Support services offered solely to residents may be permitted; provided that, such services are contained with the principal building and are accessory to the principal senior residential use. Such support services include, but are not necessarily limited to: Congregate dining, health care, personal services, private meeting rooms, and social, recreational and educational facilities and programs.
- E. *Model homes.* Model homes in subdivisions and condominiums shall comply with the following requirements:
1. *Permitted use.* Each builder may have one model home for display or promotional purposes for the subdivision or condominium in which the home is located, provided that no more than two model homes shall be permitted at any one time in the subdivision or condominium. If there are more than two builders, the township may consider requests for additional model homes, approval of which may be granted administratively after evaluating the impact the model homes would have on the neighborhoods in which they are proposed.  
  
Each builder shall be allowed to use his or her model home as a temporary sales office. Model homes shall not be used to conduct business unrelated to sales of homes in the subdivision or condominium.
  2. *Termination.* Use of a model home as a sales office shall cease as soon as all of the builder's lots in the subdivision or condominium are sold or in two years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Upon request, the township planner may grant an extension of the use of the model home for a period of up to two years.
  3. *Appearance.* The model home and site shall be maintained to look like a typical single-family dwelling at all times. However, one identification sign shall be permitted, subject to the following requirements:
    - *Maximum size:* Six square feet.
    - *Maximum height:* Six feet.
    - *Type:* Ground or wall sign.
    - *Location:* Sign shall comply with the required setbacks.
  4. *Parking.* A minimum of two temporary paved off-street parking spaces shall be provided. Off-street parking shall comply with the requirements in article 14.00.
- F. *Open space preservation option.* Open space preservation developments may be approved in the R-0.5 and R-1.0 districts, subject to the standards and review procedures set forth herein.
1. *Purpose.*
    - a. The purpose of open space preservation option is to preserve undeveloped land, thereby maintaining rural character and agricultural lands. The regulations in this subsection F proposed to accomplish this purpose by providing for grouping of homes onto the most buildable portions of a site so that the remainder of the site can be preserved in an undeveloped state.

- b. As used in this subsection, the term "undeveloped state" shall have the meaning given to it in Section 102 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, which states the following:

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

2. *Review and approval process.* If the open space preservation option is selected, the property shall be developed under the conditions and requirements in this subsection, applicable requirements for the district in which the development is located, and other applicable zoning regulations and township ordinances. Proposals for open space preservation development shall be reviewed following the same procedures used for conventional subdivision or condominium proposals, except that the applicant shall complete a site features inventory prior to development. The inventory shall consist of maps and written analysis which shall identify, describe and quantify the following features, at minimum: Existing vegetation, topography at two-foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings), MDEQ-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered species habitats, and any additional features uniquely affecting the site.
3. *Permitted density.*
  - a. The overall density of residential uses in an open space preservation development shall not exceed the density that would be permitted if the site was developed as a conventional single-family subdivision.
  - b. The permitted density shall be based on the net buildable area of the site which consists of the portions of the site that are not encumbered by regulated wetlands (except that one-quarter of the total wetlands may be counted as buildable), steep slopes, existing and proposed road rights-of-way, easements, existing structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes.
  - c. To assist the planning commission in determining net buildable area, the applicant shall submit an alternative plan that shows how the site could be developed under conventional zoning.
  - d. Modifications permitted under the rural open space preservation option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this subsection.
4. *Dimensional standards.*
  - a. *Setbacks.* Open space preservation developments shall comply with the following minimum yard setback requirements:

Building setbacks

Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	50 ft.
Along an internal collector or local road	40 ft.
Along an internal arterial road	50 ft.
Setback from lakes, ponds and streams	75 ft.
Setback from wetlands	50 ft.

- (1) Docks, bulkheads, patios, terraces, decks, gazebos, and pathways may be permitted within the waterfront or wetland setback, subject to review and approval by the township, upon finding there will be no adverse impact on ground or surface waters or floodplains.
- (2) The minimum rear and side yard setback for detached single-family structures and accessory structures thereto shall be based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, the desire for quality building architecture and for side entry garages, and the need for proper amounts of open space for the use of residents on the site.

Parking Lot Setbacks

Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	20 ft.

- b. *Minimum lot size.* The minimum lot size in an open space preservation development shall be 8,500 square feet in the R-0.5 district and 17,000 square feet in the R-1.0 and R-2.5 district. Variation from these lot size standards may be required or permitted where the planning commission finds that either of the following circumstances exist:
    - (1) A larger lot size is required to satisfy Oakland County Health Division septic system standards; or
    - (2) A smaller lot size is required to achieve the density permitted under subsection F.3., above.
  - c. *Distances between buildings.* Any detached single-family structure (or accessory structure thereto) shall be located at least 30 feet from any other detached single-family structure or accessory structure.
  - d. *Floor area and height standards.* Buildings in an open space preservation development shall comply with the floor and height standards for the district in which the development is located.
5. *Open space requirements.* Open space preservation developments shall provide and maintain open space in an undeveloped state, which shall comply with the following requirements:
- a. Open space preservation developments shall reserve at least 50 percent of the parcel in an undeveloped state.
  - b. Open space shall be located on the parcel to meet the following objectives:
    - (1) To preserve distinctive natural features, scenic or wooded conditions, and rural characteristics.
    - (2) To preserve farmlands.
    - (3) To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
    - (4) To maintain open, rural character along main roads.

In addition, the open space shall be developed with children's play facilities, picnic facilities, trails, and similar passive recreational facilities to satisfy the needs of future residents of the development, provided that all such facilities shall be compatible in design with other open space requirements and objectives.

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- c. Required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any stormwater retention or detention pond.
  - d. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will remain undeveloped. Such conveyance shall:
    - (1) Indicate the proposed use(s) of the required open space.
    - (2) Provide for the privately-owned open space to be maintained by private property owners having an interest in the open space.
    - (3) Provide maintenance standards and a maintenance schedule.
    - (4) Provide notice of possible assessment to the private property owners by the Charter Township of Lyon for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
    - (5) After approval from the township, the developer shall record with the Oakland County Register of Deeds to provide record notice of the restrictions to all persons having or seeking an interest in the property contained in the open space preservation development. Evidence that the document has been recorded shall be provided to the township prior to issuance of any permits to commence construction.
6. *Building location.* Where feasible, open space preservation developments shall comply with the following building location requirements. Modification to these locational requirements may be approved by the township as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.
- a. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields.
  - b. Buildings shall not be located on the tops of ridge lines or in areas with slopes that exceed 35 percent.
  - c. Buildings shall not be located in wetlands or floodplains.
  - d. Buildings shall be set back as far back from public roads as possible so as to maintain the rural appearance of the township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.
7. *Roads and driveways.* The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in open space preservation developments. Accordingly, open space preservation developments shall comply with the following standards:
- a. Roads shall follow existing contours to minimize the amount of cut and fill.
  - b. Where sites include linear features, such as existing access roads, tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.
  - c. Roads shall not be located in open fields.
  - d. Use of common driveways to serve up to four units is permitted to minimize the amount of paving and reduce the number of curb cuts onto public roads.

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8. *Stormwater management.*
    - a. Existing natural drainage shall be maintained to the maximum extent feasible.
    - b. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
  9. *Landscaping lawns.*
    - a. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.
    - b. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.
    - c. Where landscaping is proposed, native species shall be used.
  10. *Existing structures.*
    - a. When a parcel contains existing structures deemed to be of historic, cultural or architectural significance (such as farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.
    - b. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

F[G]. *Accessory apartment.* Accessory apartments as defined in article 3.00, shall comply with the following regulations:

1. *Residence an incidental use.* The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:
  - a. Accessory apartments shall be established in owner-occupied homes only.
  - b. Only one such accessory residence shall be permitted on each parcel.
  - c. The total floor area of the accessory residence shall not exceed 600 square feet.
2. *Setbacks and placement on the parcel.* Accessory residences shall comply with all setback requirements for the district in which they are located.
3. *Compatibility with surrounding land use.* The design of the accessory residence shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory residence shall not have front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall appear that only one household occupies the site.
4. *Parking and access.* In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.

(Ord. No. 17-15, pt. 2, 10-5-2015; Ord. No. 190-18, §§ 1, 3, 5-7-2018; Ord. No. 01-19, § 1, 3-4-2019; Ord. No. 01-20, § 4, 2-3-2020; Ord. No. 12-20, § 4, 1-4-2021; Ord. No. 13-20, § 1, 1-4-2021)

#### **Section 19.04. Site development standards for mixed uses.**

- A. *Commercial/industrial developments.* In all commercial districts, a limited amount of storage is permitted where the storage is accessory to the principal retail use. Similarly, in industrial districts limited office and sales operations are permitted where such activities are clearly incidental to the principal industrial use.



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In certain businesses, the accessory use is an integral part of the overall business operation, such that the business takes on the character of a "mixed use". In these cases, the specific guidelines provided in this section to determine if the accessory use is reasonable and should be permitted.

1. *Retail uses in industrial districts.* Retail uses shall be deemed acceptable accessory uses in industrial districts if the following criteria are met:
  - a. *Character of the principal use.* The principal use on the site must be industrial in character. The retail activity must be an integral part of the business such that separation of the manufacturing and retail activity would adversely affect operating and management procedures.
  - b. *Percent of floor area.* The retail activity shall occupy no more than 20 percent of total floor area or 2,000 square feet, whichever is less.
  - c. *Percent of gross value.* The gross value of the retail sales shall not exceed 20 percent of the gross value of the products produced on the premises.
  - d. *Products offered for sale.* Retail sales shall be limited primarily to products produced on the premises. If it is determined that the sale of limited specialty products not produced on the premises is essential to installation or use of the principal product sold, then such sales may be permitted, provided they represent no more than 20 percent of the gross on-site retail sales.
  - e. *Compatibility of traffic.* The type of and quantity of traffic generated by the retail sales operation shall be compatible with permitted industrial uses in the district.
  - f. *Parking.* Adequate parking shall be provided for the retail sales, as specified in section 14.01. Off-street parking shall be subject to the locational and setback requirements for the district in which the use is located.
2. *Industrial uses in commercial districts.* Industrial, processing and warehouse uses shall be deemed acceptable accessory uses in commercial districts if the following criteria are met:
  - a. *Character of the "industrial" use.* Assembly, fabrication, manufacturing and warehouse activities shall be directly related to the specific products or services permitted as principal use on the site.
  - b. *Limits of industrial activity.* Any products manufactured or produced shall not be for distribution to other retail stores or manufacturing facilities.
  - c. *Types of equipment.* Heavy machinery typically found in manufacturing or industrial plants shall not be permitted. The machinery shall not create dust, noise, odor, vibration or fumes, that would cause an adverse impact on neighboring properties.
  - d. *Percent of floor area.* The industrial activity shall occupy no more than 20 percent of total floor area.
  - e. *Compatibility of traffic.* The type of and quantity of traffic generated by the industrial activity shall be compatible with permitted retail uses in the district.
  - f. *Outside activity prohibited.* Industrial activity, if permitted, shall be located within a completely enclosed building. There shall be no outside storage, except as specifically permitted in the district in which the use is located.

(Ord. No. 10-16, pt. 8, 11-9-2016)

## **ARTICLE 20.00 PERFORMANCE STANDARDS**

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## Section 20.01. Intent and scope of application.

- A. *Intent.* The purpose of this article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety and welfare.
- B. *Scope of application.* After the effective date of this Ordinance, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this article. No site plan shall be approved unless evidence is presented to indicate conformity with the requirements of this article.
- C. *Submission of additional data.* Nothing in this article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the planning commission may waive or modify the regulations set forth in this article; provided that, the planning commission finds that no harm to the public health, safety and welfare will result and that the intent of this Ordinance will be upheld.

## Section 20.02. Performance standards.

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this section.

- A. *Noise.*
  - 1. *Definitions.* The terms used in this section shall have the meaning ascribed to them as follows. Terms used in this section but not defined below or in article 3.00 shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body.
    - a. *A-weighted sound level:* The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
    - b. *Ambient noise level:* The all-encompassing average background noise associated with a given environment, often a composite of sounds near and far, of many different types, e.g., the general background noise in a neighborhood.
    - c. *Emergency:* Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
    - d. *Impulsive sound:* Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
    - e. *Noise:* Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
    - f. *Noise disturbance:* Any sound which: (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property. For the purposes of this Ordinance, a noise disturbance shall be further defined as any sound which exceeds the limits set forth in Table A, following, or other standards set forth in this section.
    - g. *Noise sensitive zone:* An area which contains noise-sensitive activities, such as but not limited to, operations of schools, libraries, churches, hospitals, and nursing homes.

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- h. *Pure tone*: Any sound which can be distinctly heard as a single pitch or a set of single pitches.
- i. *Sound*: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- j. *Sound level*: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this Ordinance an A-weighted network), as specified by the American National Standards Institute.
- k. *Vibration*: An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
2. *Noise disturbances prohibited*. No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance. Examples of noise disturbances include, but are not limited to:
- a. *Sounds which exceed limits in Table A*. Any sound which exceeds the limits set forth in Table A, following, shall be deemed a noise disturbance.
- b. *Loading and unloading*. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects that causes a noise disturbance within a residential district boundary or within a noise sensitive zone shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m.
- c. *Construction*. Operation of any tools, machinery or equipment used in construction, drilling or demolition work that causes a noise disturbance within a residential district boundary or within a noise sensitive zone shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, 7:00 p.m. Fridays to 8:00 a.m. Saturdays, 7:00 p.m. Saturdays to 7:00 a.m. Mondays, and any time on holidays. Notwithstanding the foregoing, emergency work of public service utilities and work required by any governmental entity shall be permitted.
- d. *Vibration*. Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this section, "vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- e. *Noise sensitive zones*. Creation of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the values shown in Table A; provided that conspicuous signs are displayed indicating the presence of the zone.
3. *Exceptions*.
- a. *Emergency exceptions*. The provisions in this section shall not apply to: (a) the emission of sound for the purpose of alerting persons to existence of an emergency; or (b) the emission of sound in the performance of emergency work.
- b. *Additional exceptions*. The provisions in this section shall not apply to the following activities, provided that such activities are conducted in a legally accepted manner:
- Snow plowing, street sweeping, and other public works activities.
  - Agricultural uses.

- Church bells, chimes and carillons.
  - Lawn care and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.
  - Licensed vehicles being operated on a road or street.
  - Trains and aircraft when on the ground.
  - Any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
  - The sound made within the terms of a fireworks display permit.
  - The sound made by permitted animals.
  - The sound made by the sounding of a horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law.
4. *Variances.* An application for a variance from the provisions in this section may be submitted to the zoning board of appeals. The owner or operator of equipment on the property shall submit a statement regarding the effects of sound from the equipment on the overall sound level in the area. The statement shall include a study of the background sound levels, predicted level on sound at the boundary line due to the proposed operation, and justification for the variance. Upon review of the request for a variance, the zoning board of appeals may grant a variance where strict adherence to the permitted sound level would create unnecessary hardship and only if the variance will not create a threat to the health, safety and welfare of the public. The zoning board of appeals may impose conditions of operation when granting a variance.
5. *Maximum permitted sound levels by receiving zoning district.* Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in Table A, when measured at or within the property boundary of the receiving district. The noise standards for the various zoning districts identified in Table A shall, unless otherwise specifically indicated, apply to all property within the designated zone. No person shall operate or cause to be operated, any source of sound at any location of all the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person which causes the sound level when measured on any other property to exceed:

<b>Table A Maximum Permitted Average A-Weighted Sound Levels</b>		
<b>Zoning District</b>	<b>Time</b>	<b>Level, db(A)</b>
Residential	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	50
Commercial	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m.	60
Industrial	Anytime	70

Notes:

1. *Correction for tonal sounds.* For any source of sound which emits a pure tone sound, such as a whine, screech or hum, the maximum sound level limits in Table A shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.

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2. *Correction for impulsive or impact-type sounds.* For any source of sound which emits an atypical impulsive or impact-type sound, the maximum sound level limits in Table A shall be reduced by 5 dB(A) where the receiving district is residential or commercial-noise sensitive.
  3. *Ambient noise.* If the measure ambient noise level for any area is higher than the standard set in Table A, then the allowable noise exposure standard shall be the ambient noise level.
  4. *Planned development.* Where the receiving district is a planned development district, the applicable standard in Table A shall be based on the types of uses within the planned development, recognizing that a combination of residential and commercial uses may be located in a planned development district.
  5. *Permitted land use.* No new or substantially modified structure shall be approved for construction unless the owner or developer of such land demonstrates that the completed structure and the activities associated with and on the same property as the structure will not generate a noise disturbance as set forth in this section at the time of initial full-scale operation of such activities.
  6. *Sound level management.*
    - a. *Sound meter.* Any sound or noise level measurement made pursuant to the provisions of this article shall be measured with a sound level meter using the A-weighting and meter response pursuant to the applicable manufacturer's instruction.
    - b. *Wind protection.* Sound level meters shall be equipped with wind screens, and readings taken when the wind velocity at the time and place of measurements is not more than five miles per hour.
    - c. *Location of measurement.* Sound level measurements shall be taken four feet above ground level and at least four feet from the nearest wall or other reflective surface.
    - d. *Representative conditions.* Sound levels shall be determined by averaging minute-by-minute measurements made over minimum 15 minute sample duration, if practicable. The sample shall be taken under conditions that are representative of the noise experienced by the complainant (e.g., at night, morning, evening or during special weather conditions).
- B. *Dust, smoke, soot, dirt, fly ash and products of wind erosion.*
1. Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.
  2. The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from materials, products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.
- C. *Odor.* Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
- D. *Glare and heat.* Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half of one footcandle when measured at any point along the property line of the site on which the operation is located. Any operation, which produces intense glare or heat, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If

heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

E. *Fire and safety hazards.*

1. *General requirements.* The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the State Fire Prevention Act, Michigan Public Act 207 of 1941, as amended.
2. *Storage tanks.*
  - a. All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing the total capacity of all tanks so enclosed. These provisions shall not apply to approved tanks which hold propane or other fuel used for heating a dwelling or other building on the site.
  - b. Below ground bulk storage tanks which contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the Michigan Department of Natural Resources, in accordance with Michigan Public Act 165 of 1985, as amended.
3. *Detonable materials.* The storage, utilization, or manufacture of detonable materials shall be permitted subject to approval by the fire chief with the following restrictions:

Proposed Activity	Restrictions
Storage, Utilization or Manufacture of 5 lbs. or less in I-2 District	Permitted Accessory Use
Storage or Utilization of over 5 lbs	Special Land Use in I-2 District
Manufacture of over 5 lbs.	Not Permitted

Detonable materials covered by these requirements include, but are not necessarily limited to the following:

- a. All primary explosives such as lead azide, lead styphnate, fulminates and tetracene.
- b. All high explosives such as TNT, RDX, HMX, PETN, and picric acid.
- c. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
- d. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
- e. Blasting explosives such as dynamite and nitroglycerine.
- f. Unstable organic compounds such as acetylides, tetrazoles and ozonides.
- g. Strong unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than 35 percent.
- h. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

F. *Sewage wastes and water pollution.* Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county and local

regulatory agencies, including the Michigan Department of Health, the Michigan Department of Natural Resources, the Oakland County Health Department, and the U.S. Environmental Protection Agency.

- G. *Gases.* The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the Federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart, which is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal, state, county or local regulatory agency which has jurisdiction:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydracarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hour
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hour
Lead	1.5 ug/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 ug/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

- H. *Electromagnetic radiation and radio transmission.* Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.
- I. *Radioactive materials.* Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an x-ray machine, shall not exceed levels established by federal agencies which have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

(Ord. No. 14-15, pt. 2, 10-5-2015)

### Section 20.03. Procedures for determining compliance.

In the event that the township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

- A. *Official investigation.*
1. Upon receipt of evidence of possible violation, the building official will make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the

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performance standards. The building official may initiate an official investigation in order to make such a determination.

2. Upon initiation of an official investigation, the building official is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary for the building official to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:
  - a. Plans of the existing or proposed facilities, including buildings and equipment.
  - b. A description of the existing or proposed machinery, processes and products.
  - c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this article.
  - d. Measurement of the amount or rate of emissions of the material purported to be in isolation.
- B. *Cost of determination.* If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate.
- C. *Appropriate remedies.* If, after appropriate investigation, the building official determines that a violation does exist, the building official will take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The building official will take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:
  1. Correction of violation within time limit. If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the building official will note "Violation Corrected" on the township's copy of the notice, and the notice will be retained on file. If necessary, the building official may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.
  2. Violation not corrected and no reply from owner or operator. If there is no reply from the owner or operator within the specified time limits (thus establishing admission of violation, as provided section 20.03, subsection A), and the alleged violation is not corrected in accordance with the regulations set forth in this article, then the building official will take such action as may be warranted to correct the violation.
  3. Reply requesting extension of time. If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in the zoning ordinance, but that more time is required than was granted by the original notice, the building official may grant an extension if:
    - a. The building official deems that such extension is warranted because of the circumstances in the case; and
    - b. The building official determines that such extension will not cause imminent peril to life, health or property.
  4. Reply requesting technical determination.
    - a. If a reply is received within the specified time limit requesting further review and technical analysis even though the alleged violations continue, then the building official may call in



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properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

- b. If expert findings indicate that violations of the performance standards do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation. If the bill is not paid within 30 days, the township shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. The township shall have a lien against the land for the amount of the expense, which lien shall be enforced in the manner provided by law for the enforcement of tax liens through a miscellaneous special assessment. If no substantial violation is found, cost of determination shall be paid by the township.
- D. *Continued violation.* If, after the conclusion of the time period granted for compliance, the building official finds that the violation still exists, any permits previously issued shall be void and the township shall initiate appropriate legal action, including possibly pursuit of remedies in circuit court.
- E. *Appeals.* Action taken by the building official pursuant to the procedures outlined in this section may be appealed to the zoning board of appeals within 30 days following said action. In the absence of such appeal, the building official's determination shall be final.

(Ord. No. 02-20, § 2, 3-2-2020; Ord. No. 08-21, § 1, 9-7-2021)

## **ARTICLE 21.00 ESTABLISHMENT OF ZONING DISTRICTS**

### **Section 21.01. Creation of districts.**

For the purposes of this Ordinance, the unincorporated portion of the Charter Township of Lyon is hereby divided into the following zoning districts as shown on the official zoning map:

R-1.0	Residential — Agricultural District
R-0.5	Single-Family Residential District
R-0.3	Single-Family Residential District
RM-1	Suburban Townhouse District
RM-2	Multiple-Family Residential District
MHP	Mobile Home Park District
O-1	Office District
B-2	Community Business District
B-3	General Business District
I-1	Light Industrial District
I-2	General Industrial District
P-1	Vehicular Parking District

(Ord. No. 190-18, §§ 2, 3, 5-7-2018; Ord. No. 08-21, § 1, 9-7-2021)

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### **Section 21.02. Adoption of zoning map.**

- A. The boundaries of the zoning district listed in section 21.01 are hereby established as shown on the Official Zoning Map of the Charter Township of Lyon. The zoning map with all notations, references, and other information shown thereon shall be, and is hereby declared to be a part of this Ordinance as if fully described herein.
- B. In accordance with the provisions of this Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, changes made in district boundaries and other matters portrayed on the zoning map shall be entered on the zoning map after the amendment has been approved by the township board and has been published in a newspaper of general circulation in the township. No changes of any nature shall be made to the zoning map except in conformity with the procedures set forth in article 9.00 of this Ordinance.
- C. Regardless of the existence of copies of the zoning map which may, from time to time, be made or published, the official zoning map shall be located at the township hall and shall be the final authority with regard to the current zoning status of all land in the township.

### **Section 21.03. Interpretation of district boundaries.**

The following rules shall apply to the interpretation of zoning district boundaries:

- A. Boundaries indicated as approximately following the centerlines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township limits shall be construed as following such limits.
- D. Boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
- E. Boundaries indicated as approximately following the shoreline of a body of water shall be construed to follow such shoreline; in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
- F. Boundaries indicated as parallel to or as an extension of features cited in subsections A through E above, shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official zoning map shall be determined using the scale on the map.
- G. Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the zoning board of appeals shall interpret the exact location of zoning district boundaries.

### **Section 21.04. Zoning of vacated areas.**

Whenever any street, alley, or other public way within the township is vacated, such street, alley, or other public way shall be automatically be classified in the same zoning district as the property to which it attaches, and shall be subject to the standards for said zoning district.

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### **Section 21.05. Zoning of filled land.**

Whenever any fill is permitted in any stream or other body of water, the land created automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly-created land attaches.

### **Section 21.06. District requirements.**

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this Zoning Ordinance, including but not limited to article 36.00 — Schedule of Regulations.

## ***ARTICLE 23.00 R-1.0 RESIDENTIAL - AGRICULTURAL DISTRICT***

### **Section 23.01. Statement of purpose.**

The residential - agricultural district is intended primarily to accommodate residential development at a low density for residents who prefer exurban, estate living and are willing to assume the costs and effort of providing many of their own services and amenities. It is intended that the principal use of the land be for single-family dwellings, although agricultural uses are permitted, recognizing the rural character of many areas zoned R-1.0. The standards in this district are intended to assure that the residential and agricultural uses peacefully coexist.

It is intended that developments in this district be designed to preserve significant natural features. Preservation of open space, protection of flood-prone areas, protection of wooded areas, and preservation of other natural features is encouraged.

### **Section 23.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned R-1.0, residential - agricultural, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:
1. All principal uses and structures permitted in the R-0.5 single-family residential district as specified in section 24.02, subsection A.
  2. Open space preservation option, pursuant to section 19.03, subsection F.
  3. Farm buildings, as defined in article 3.00.
  4. Farms, as defined in section 3.02, and subject to the guidelines in section 19.02, subsection L.
  5. Farm markets and roadside stands, as defined in section 3.02, and subject to the guidelines in section 19.02, subsection BB.
  6. Agricultural tourism, as defined in section 3.02, and subject to the guidelines in section 19.02, subsection II, with only agriculturally-related uses, as defined in section 3.02.
  7. Agriculturally related uses, as defined in section 3.02.
  8. Storage or wholesale marketing, or processing of agricultural products into a value-added agricultural product.
  9. Idle cropland, provided that such land is maintained so as to prevent the erosion of soil.
  10. Hobby farms, subject to the requirements in section 19.02, subsection L.

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11. Private kennels, subject to the provisions in section 19.02, subsection R.
  12. Private stables and riding arenas, subject to the provisions in section 19.02, subsection DD.
  13. Home occupations subject to the provisions in section 12.05.
  14. State licensed residential facilities, subject to the regulations in Section 206 of Public Act 110 of 2006, as amended, which are permitted in all residential zones and not subject to a special use permit different from those required for other dwellings of a similar density.
  15. Roof-mounted small wind energy systems, subject to the standards in section 19.02, subsection KK.
  16. Essential services, subject to the provisions in section 12.14.
  17. Uses and structures accessory to the above, subject to the provisions in article 18.00.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to: the conditions specified for each use; review and approval of the site plan by the planning commission and township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in article 6.00:
1. An accessory apartment subject to the provisions in section 19.03, subsection F[G].
  2. Nursing homes and convalescent homes, subject to the standards in section 19.02, subsection V.
  3. An accessory apartment subject to the provisions in section 19.02, subsection A.
  4. Bed and breakfast establishments, subject to the provisions in section 19.02, subsection G.
  5. Municipal buildings and uses.
  6. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
  7. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
  8. State licensed residential facilities which require a special use permit, subject to the regulations in Section 206 of Public Act 110 of 2006, as amended, and child care centers; these uses are subject to the provisions in section 19.02.O.
  9. Cemeteries, subject to the provisions in section 19.02, subsection I.
  10. Religious institutions, subject to the provisions in section 19.02, subsection AA.
  11. Public or private golf courses, including country clubs and driving ranges, subject to the provisions in section 19.02, subsection N.
  12. Commercial stables and riding arenas, subject to the provisions in section 19.02, subsection DD.
  13. Commercial kennels, subject to the provisions in section 19.02, subsection R.
  14. Veterinary clinics, subject to the provisions in section 19.02, subsection FF.
  15. Sales and service establishments when located with direct access to a major thoroughfare, provided that any such establishment is engaged in the performance of agricultural, animal husbandry, or horticultural services on a fee or contract basis, including the following services: sorting, grading and packing of fruits and vegetables for growers; agricultural product storage, milling and processing; grain cleaning; harvesting and plowing; and, farm equipment sales and service.
  16. Airports and related uses, subject to the provisions in section 19.02, subsection C, but not including private landing strips or helicopter pads.

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17. Radio and television transmitting and receiving towers, subject to the provisions in section 19.02, subsection Y.
  18. Oil and gas processing facilities, subject to the provisions in section 19.02, subsection W.
  19. Sand and gravel extraction, subject to the provisions in section 19.02, subsection CC.
  20. Landscaping contractor's operation, when accessory to a plant nursery operation on the site, provided that:
    - a. All vehicles and equipment shall be stored in a fully-enclosed building.
    - b. Heavy construction equipment, such as bulldozers and front-loaders, shall not be stored or used on the site. In addition, there shall be no tracked vehicles, and the size of front loaders and similar equipment shall be limited to a one yard bucket.
    - c. There shall be no outside storage or stock piling of materials or debris, other than peat, bark, stone and similar raw materials normally used in the nursery/landscaping business. Such materials shall be screened so they are not visible from any property line.
    - d. Building contractors, road contractors, and similar operations are prohibited.
    - e. No more than ten percent of the total site area shall be occupied by buildings, storage, parking, or other facilities associated with the landscaping contractor's operations.
    - f. The planning commission shall have the authority to establish hours of operation so as to minimize the impact of the facility on nearby residential uses.
  21. Reserved.
  22. A model home to promote sales in new subdivisions, subject to the provisions in section 19.03, subsection E.
  23. Funeral homes or mortuaries, subject to the requirements in section 19.02, subsection M, and the following additional requirements:
    - a. The minimum parcel size for funeral homes and mortuaries shall be four acres.
    - b. Mortuaries and funeral homes shall be located on and have direct access to a paved thoroughfare. Direct access to a local residential street shall be prohibited.
    - c. The nearest edge of a driveway serving a mortuary or funeral home shall not be closer than 25 feet to any parcel that is zoned or used for residential purposes.
    - d. Funeral homes and mortuaries shall comply with the setback requirements specified in the Schedule of Regulations, article 36.00.
    - e. Funeral homes and mortuaries shall comply with the parking requirements specified in section 14.01, subsection C, except that all parking shall be located to the rear of the principal building.
    - f. At least one off-street loading space shall be provided, which shall be located at the rear of the building, fully screened from view from any adjoining residentially-used or zoned properties.
    - g. In addition to a principal building containing the funeral home or mortuary, in the R-1.0 district one single-family detached dwelling unit may be permitted for the use of the proprietor of the funeral home and his/her family, subject to the following conditions:
      - (1) Any such single-family dwelling shall comply with the setback and other dimensional requirements of the district.

- (2) Any such single-family dwelling shall be located on the parcel so that full compliance with the ordinance would be feasible if the parcel is eventually divided, placing the dwelling on a separate parcel.
  - h. Exterior lighting shall comply with the following requirements:
    - (1) Lighting fixtures shall be a cut-off design so as to limit any light above the horizontal plane and beyond the property line.
    - (2) Lighting fixtures shall have a maximum height of 20 feet.
    - (3) The average level of illumination in parking areas shall be one footcandle measured at the surface, with an average/minimum uniformity ratio not exceeding 6:1, and a maximum/minimum uniformity ratio not exceeding 10:1. A photometric grid shall be submitted with the site plan to illustrate lighting levels.
  - 24. Tower-mounted small wind energy systems, subject to the standards in section 19.02 subsection KK.
  - 25. Small wine smakers and hard cider producers, subject to a minimum lot size of five acres and the regulations in section 19.02.NN.
  - 26. Small distillers, subject to a minimum lot size of five acres and the regulations in section 19.02.OO.
  - 27. Campgrounds, subject to the requirements in section 19.02, subsection Z.1.c.
  - 28. Agricultural tourism, as defined in section 3.02, and subject to the guidelines in section 19.02, subsection II, involving non-agriculturally related uses or event facility rental space.
- (Ord. No. 09-12, pt. 2(exh. A), 11-5-2012; Ord. No. 05-13, pt. 4, 11-4-2013; Ord. No. 07-13, pts. 4, 5, 11-4-2013; Ord. No. 193-18, § 4, 5-7-2018; Ord. No. 195-18, § 3, 6-4-2018; Ord. No. 12-20, § 5, 1-4-2021; Ord. No. 01-21, § 2, 2-1-2021)

**Section 23.03. Development standards.**

- A. *Site plan review.* Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article 4.00.

The following chart indicates the proposed status of farm-related uses with respect to principal or special land use and the need for site plan review.

<b>R-1.0 District</b>		<b>Site Plan Review?</b>
Commercial Farm	Principal Permitted Use	Yes <sup>4</sup>
Agricultural Tourism	Principal Permitted Use <sup>1</sup>	Yes <sup>2</sup>
Farm Market, Roadside Stand	Principal Permitted Use	Yes <sup>3</sup>
Hobby Farm	Principal Permitted Use <sup>6</sup>	Yes <sup>5</sup>

- <sup>1</sup> If the facility contains non-agriculturally related uses then special land use review shall be required.
- <sup>2</sup> Administrative review only if there are no buildings proposed. If buildings are proposed then planning commission approval shall be required.
- <sup>3</sup> Administrative review only.
- <sup>4</sup> Planning commission approval required.
- <sup>5</sup> Building department approval required.

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<sup>6</sup> Hobby farms may be located in the R-0.3 and R-0.5 districts, as well as the R-1.0 district.

- B. *Area, height, bulk, and placement requirements.* Buildings and uses in the residential - agricultural district are subject to the area, height, bulk, and placement requirements in article 36.00, Schedule of Regulations.
- C. *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article 7.00.
- D. *Single-family development options.* Subject to special use approval as set forth in article 6.00, single-family development in the R-1.0 residential - agricultural district may be developed in accordance with the average lot size or single-family cluster options in section 19.03, subsection B.
- E. *General development standards.* Buildings and uses in the residential - agricultural district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

<u>Article</u>	<u>Topic</u>
Article 12.00	General Provisions
Article 14.00	Off-Street Parking
Article 15.00	Fences and Walls
Article 19.00	Site Development Standards
Article 36.00	Schedule of Regulations

(Ord. No. 09-12, pt. 2(exh. A), 11-5-2012)

## ***ARTICLE 24.00 R-0.5 SINGLE-FAMILY RESIDENTIAL DISTRICT***

### **Section 24.01. Statement of purpose.**

The intent of the single-family residential districts is to provide areas of the township for the construction and continued use of single-family dwellings within stable neighborhoods. The two single-family residential districts have different minimum area, density, and building placement requirements to provide different housing types to accommodate the varied needs of the population.

The regulations in this article are intended to promote development that preserves the physical characteristics of the land and natural environment to the maximum extent possible, thereby retaining the rural-like features of the township. It is further the intent of this district to prohibit multiple-family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development of or quality of life in this district.

It is intended that developments in this district be designed to preserve significant natural features. Preservation of open space, protection of flood-prone areas, protection of wooded areas, and preservation of other natural features is encouraged.

### **Section 24.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned R-0.5, single-family residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:
  - 1. Single-family detached dwellings.

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2. Open space preservation option, pursuant to section 19.03, subsection F.
  3. Publicly owned or controlled parks and recreation facilities.
  4. Parks owned or controlled by a private entity, such as a homeowners' associations.
  5. Manufactured homes, subject to the provisions in section 12.04.
  6. State licensed residential facilities, subject to the regulations in Section 206 of Public Act 110 of 2006, as amended, which are permitted in all residential zones and not subject to a special use permit different from those required for other dwellings of a similar density.
  7. Home occupations, subject to the provisions in section 12.05.
  8. Roof-mounted small wind energy systems, subject to the standards in section 19.02, subsection KK.
  9. Essential services, subject to the provisions in section 12.14.
  10. Uses and structures accessory to the above, subject to the provisions in article 18.00.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to: The conditions specified for each use; review and approval of the site plan by the planning commission and township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in article 6.00:
1. An accessory apartment subject to the provisions in section 19.03, subsection F[G].
  2. Bed and breakfast establishments, subject to the provisions in section 19.02, subsection G.
  3. Municipal buildings and uses which do not require outside storage of materials or equipment.
  4. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
  5. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
  6. Cemeteries, subject to the provisions in section 19.02, subsection I.
  7. State licensed residential facilities which require a special use permit, subject to the regulations in Section 206 of Public Act 110 of 2006, as amended, and child care centers; these uses are subject to the provisions in section 19.02.O.
  8. Religious institutions, subject to the provisions in section 19.02, subsection AA.
  9. Private kennels, subject to the provisions in section 19.02, subsection R.
  10. Private stables and riding arenas, subject to the provisions in section 19.02, subsection DD.
  11. Public or private golf courses, including country clubs, subject to the provisions in section 19.02, subsection N.
  12. Private swimming pools and swimming pool clubs.
  13. Private noncommercial recreational facilities, such as a subdivision or neighborhood center, a nonprofit swimming pool club, or similar facility.
  14. A septic field that is accessory to a commercial use may be located on residentially-zoned property, subject to the following conditions:
    - a. The septic field shall be located on the same parcel of land as the commercial use to which it is accessory.



- b. Placement of a septic field on residentially-zoned land shall be permitted only if evidence is provided that indicates that soil conditions would prevent placement of the septic field on the commercial-zoned portion of the parcel.
  - c. Placement of a septic field on residentially-zoned land shall be permitted only if the applicant demonstrates to the planning commission's satisfaction that there is no other feasible alternative for development of the parcel.
  - d. Placement of a septic field on residentially-zoned land shall not be permitted if the planning commission finds that such action would in any way be detrimental to the development, use, or enjoyment of nearby residentially-zoned properties.
15. A model home to promote sales in new subdivisions, subject to the provisions in section 19.03, subsection E.
16. Senior housing, subject to the standards in section 19.03, subsection D.
17. Tower-mounted small wind energy systems, subject to the standards in section 19.02, subsection KK.
- (Ord. No. 05-13, pt. 5, 11-4-2013; Ord. No. 07-13, pts. 6, 7, 11-4-2013; Ord No. 12-20, § 6, 1-4-2021)

**Section 24.03. Development standards.**

- A. *Site plan review.* Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article 4.00.
- B. *Area, height, bulk and placement requirements.* Buildings and uses in the R-0.5, single-family residential district are subject to the area, height, bulk and placement requirements in article 36.00, Schedule of Regulations.
- C. *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article 7.00.
- D. *Single-family development options.* Subject to special use approval as set forth in article 6.00, single-family development in the R-0.5, single-family residential district may be developed in accordance with the average lot size or single-family cluster options in section 19.03, subsection B.
- E. *General development standards.* Buildings and uses in the R-0.5, single-family residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

<u>Article</u>	<u>Topic</u>
Article 12.00	General Provisions
Article 14.00	Off-Street Parking
Article 15.00	Fences and Walls
Article 19.00	Site Development Standards
Article 36.00	Schedule of Regulations

**ARTICLE 25.00 R-0.3 SINGLE-FAMILY RESIDENTIAL DISTRICT**

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**Section 25.01. Statement of purpose.**

- A. The intent of the R-0.3 single-family residential district is to provide areas of the township for the continued use and improvement of single-family dwellings within existing stable neighborhoods that were developed at a higher density than is permitted elsewhere in the township. It is further the intent of this district to prohibit multiple-family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development of or quality of life in this district.
- B. It is intended that developments in this district be designed to preserve significant natural features. Preservation of open space, protection of flood-prone areas, protection of wooded areas, and preservation of other natural features is encouraged.

**Section 25.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned R-0.3 single-family residential, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:
  - 1. All principal uses and structures permitted in the R-0.5 single-family residential district as specified in section 24.02, subsection A.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to: The conditions specified for each use; review and approval of the site plan by the planning commission and township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in article 6.00.
  - 1. All special land uses and structures permitted in the R-0.5 single-family residential district as specified in section 24.02, subsection B.

**Section 25.03. Development standards.**

- A. *Site plan review.* Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article 4.00.
- B. *Area, height, bulk and placement requirements.* Buildings and uses in the R-0.3 single-family residential district are subject to the area, height, bulk and placement requirements in article 36.00, Schedule of Regulations.
- C. *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article 7.00.
- D. *Single-family development options.* Subject to special use approval as set forth in article 6.00, single-family development in the R-0.3, single-family residential district may be developed in accordance with the average lot size or single-family cluster options in section 19.03, subsection B.
- E. *General development standards.* Buildings and uses in the R-0.3 single-family residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 12.00	General Provisions
Article 14.00	Off-Street Parking
Article 15.00	Fences and Walls
Article 19.00	Site Development Standards
Article 36.00	Schedule of Regulations

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## **ARTICLE 26.00 RM-1 SUBURBAN TOWNHOUSE DISTRICT**

### **Section 26.01. Statement of purpose.**

- A. The intent of this district is to provide areas in the township for the development of apartments and townhouses at an intermediate density of approximately four to six units per acre - greater than the density of single-family developments but not at the density of multiple-family development permitted in the RM-2 district.
- B. RM-1 developments are generally considered suitable transitional uses between single-family detached housing and higher density multiple-family or nonresidential development. It is intended that suburban townhouse districts have direct access to collector or major thoroughfares. Finally, it is intended that suburban townhouse developments be designed to preserve significant natural features of the site. Accordingly, preservation of open space, protection of flood-prone areas, protection of wooded areas, and preservation of other natural features is encouraged.

(Ord. No. 10-16, pt. 9, 11-9-2016)

### **Section 26.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned RM-1 suburban townhouse district, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:
  - 1. Single-family attached dwellings, townhouses, and apartments, as defined in article 3.00, and subject to the provisions in section 19.03, subsection A.
  - 2. Two-family dwellings.
  - 3. Publicly owned and operated parks, parkways, and recreation facilities.
  - 4. Private parks owned and maintained by a homeowner association or the proprietor of a housing project.
  - 5. State licensed residential facilities, subject to the regulations in Section 206 of Michigan Public Act 110 of 2006, as amended, which are permitted in all residential zones and not subject to a special use permit different from those required for other dwellings of a similar density.
  - 6. Home occupations, subject to the provisions in section 12.05.
  - 7. Essential services, subject to the provisions in section 12.14.
  - 8. Senior housing, subject to the standards in section 19.03, subsection D.
  - 9. Uses and structures accessory to the above, subject to the provisions in article 18.00, including, but necessarily limited to the following:
    - a. Private swimming pools for the exclusive use of residents and their guests.
    - b. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
    - c. Private garages, carports, or community garages.

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- d. Signs, subject to the provisions in article 16.00.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to: The conditions specified for each use; review and approval of the site plan by the planning commission and township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in article 6.00.
1. Single-family detached dwellings, subject to the area, height, bulk, and placement requirements for single-family dwellings in the R-0.3 district, article 25.00.
  2. Municipal buildings and uses which do not require outside storage of materials or equipment.
  3. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
  4. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
  5. State licensed residential facilities which require a special use permit, subject to the regulations in Section 206 of Public Act 110 of 2006, as amended, and child care centers; these uses are subject to the provisions in section 19.02.O.
  6. Religious institutions, subject to the provisions in section 19.02, subsection AA.
  7. Public or private golf courses, including country clubs, subject to the provisions in section 19.02, subsection N.
  8. Private noncommercial recreational facilities, such as a community center for the housing project.
  9. Facilities which provide housing, education, and supervision for abused, neglected, or delinquent children who are generally under the supervision of the probate court, subject to the following requirements:
    - a. *Minimum lot size.* Ten acres.
    - b. *Access.* All such facilities shall have direct access to a paved thoroughfare.
    - c. *Security.* The developer shall demonstrate that the facility has sufficient supervision and security in the event that delinquent children are to be housed at the facility.

(Ord. No. 10-16, pt. 10, 11-9-2016; Ord. No. 12-20, § 7, 1-4-2021)

**Section 26.03. Development standards.**

- A. *Site plan review.* Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article 4.00.
- B. *Area, height, bulk and placement requirements.* Buildings and uses in the RM-1 suburban townhouse district are subject to the area, height, bulk and placement requirements in article 36.00, Schedule of Regulations.
- C. *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article 7.00.
- D. *General development standards.* Buildings and uses in the RM-1 suburban townhouse district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

<u>Article</u>	<u>Topic</u>
Article 12.00	General Provisions
Article 14.00	Off-Street Parking

Article 15.00	Fences and Walls
Article 19.00 (section 19.03)	Site Development Standards
Article 36.00	Schedule of Regulations

## **ARTICLE 27.00 RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

### **Section 27.01. Statement of purpose.**

The intent of the multiple-family residential district is to address the varied housing needs of township residents by providing locations for development of multiple-family housing at a higher density than is permitted in the single-family districts. In addressing these housing needs, multiple-family housing in the RM-2 district should be designed in consideration of the following objectives:

- Multiple-family housing developments should preserve significant natural features of the site. Accordingly, preservation of open space, protection of flood-prone areas, protection of wooded areas, and preservation of other natural features is encouraged.
- Multiple-family housing should be provided with necessary services and utilities, including usable outdoor recreation space and a well-designed internal road network.
- Multiple-family housing should be designed to be compatible with surrounding or nearby single-family housing. Accordingly, one and two-story housing is considered appropriate in the RM-2 district.
- Multiple-family developments in the RM-2 district should have direct access to a collector road or major thoroughfare.

### **Section 27.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned RM-2 multiple-family residential district, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:
1. Single-family attached dwellings, townhouses, and apartments, as defined in article 3.00, and subject to the provisions in section 19.03, subsection A.
  2. Two-family dwellings.
  3. Publicly owned and operated parks, parkways, and recreation facilities.
  4. Private parks owned and maintained by a homeowner association or the proprietor of a housing project.
  5. State licensed residential facility, which are permitted in all residential zones and not subject to a special use permit different from those required for other dwellings of a similar density subject to the regulations in Section 206 of Michigan Public Act 110 of 2006, as amended, which are permitted in all residential zones and not subject to a special use permit different from those required for other dwellings of a similar density.
  6. Home occupations, subject to the provisions in section 12.05.
  7. Essential services, subject to the provisions in section 12.14.
  8. Senior housing, subject to the standards in section 19.03, subsection D.

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9. Uses and structures accessory to the above, subject to the provisions in article 18.00, including, but necessarily limited to the following:
    - a. Pools for the exclusive use of residents and their guests.
    - b. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
    - c. Private garages, carports, or community garages.
    - d. Signs, subject to the provisions in article 16.00.
  - B. *Special land uses.* The following uses may be permitted by the township board, subject to: The conditions specified for each use; review and approval of the site plan by the planning commission and township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in article 6.00.
    1. Single-family detached dwellings, subject to the area, height, bulk, and placement requirements for single-family dwellings in the R-0.3 district, article 25.00.
    2. Boarding houses, rooming houses, and tourist homes; provided that no such facility shall contain more than four rental units.
    3. Municipal buildings and uses which do not require outside storage of materials or equipment.
    4. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.
    5. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
    6. Hospitals, subject to the provisions in section 19.02, subsection P.
    7. Nursing homes or convalescent homes, subject to the provisions in section 19.02, subsection V.
    8. State licensed residential facilities which require a special use permit, subject to the regulations in Section 206 of Public Act 110 of 2006, as amended, and child care centers; these uses are subject to the provisions in section 19.02.O.
    9. Religious institutions, subject to the provisions in section 19.02, subsection AA.
    10. Public or private golf courses, including country clubs, subject to the provisions in section 19.02, subsection N.
    11. Private noncommercial recreational facilities, such as a community center for the housing project.
    12. Facilities which provide housing, education, and supervision for abused, neglected, or delinquent children who are generally under the supervision of the probate court, subject to the following requirements:
      - a. *Minimum lot size.* Ten acres.
      - b. *Access.* All such facilities shall have direct access to a paved thoroughfare.
      - c. *Security.* The developer shall demonstrate that the facility has sufficient supervision and security in the event that delinquent children are to be housed at the facility.

(Ord. No. 10-16, pt. 11, 11-9-2016; Ord. No. 12-20, § 8, 1-4-2021)

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**Section 27.03. Development standards.**

- A. *Site plan review.* Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article 4.00.
- B. *Area, height, bulk and placement requirements.* Buildings and uses in the RM-2 multiple-family residential district are subject to the area, height, bulk and placement requirements in article 36.00, Schedule of Regulations.
- C. *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article 7.00.
- D. *General development standards.* Buildings and uses in the RM-2 multiple-family residential district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

<u>Article</u>	<u>Topic</u>
Article 12.00	General Provisions
Article 14.00	Off-Street Parking
Article 15.00	Fences and Walls
Article 19.00 (section 19.03)	Site Development Standards
Article 36.00	Schedule of Regulations

**ARTICLE 28.00 MHP MOBILE HOME PARK DISTRICT**

**Section 28.01. Statement of purpose.**

- A. The mobile home park district is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. These districts should be located in areas where they will be compatible with adjacent land uses.
- B. The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Michigan Mobile Home Commission Rules govern all mobile home parks. When regulations in this article exceed the state law or the Michigan Mobile Home Commission Rules they are intended to insure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the township's residents.

**Section 28.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned MHP mobile home park district, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal uses:
  - 1. Mobile home parks.
  - 2. State licensed or regulated residential care facilities that provide care for up to six individuals.
  - 3. Essential services, subject to the provisions in section 12.14.
  - 4. Uses and structures accessory to the above, subject to the provisions in this article. Permitted accessory uses and structures include, but are not necessary limited to parks, open space, and

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recreation facilities for the use of residents and their guests; one office building for the exclusive purpose of mobile home park business; utility and storage buildings for use of residents; garages and carports; and, signs.

B. *Special land uses.*

1. Mini-warehouses and related ancillary uses, such as truck rentals, shall be subject to the requirements in subsection 19.02.T.
2. Outside storage of recreational vehicles (RVs), subject to the following requirements:
  - a. Outside storage of RVs shall be paved and properly drained in accordance with township engineering standards.
  - b. Outside storage of RVs shall be completely enclosed by a security fence. Barbed wire and razor wire are not permitted.
  - c. Exterior lighting shall comply with the requirements in section 12.11 of the Zoning Ordinance.
  - d. Outside storage areas for RVs shall be shown on a site plan, which shall be subject to special land use review and approval. The site plan shall illustrate the following information, at minimum:
    - (1) The exact boundaries of the proposed outside storage.
    - (2) Surfacing and drainage details.
    - (3) Lighting details, including a photometric plan.
    - (4) Layout of outside storage areas, including access and maneuvering areas. The plan shall demonstrate how clear access throughout the storage area will be maintained for emergency vehicles.

(Ord. No. 05-14, pt. 2, 5-5-2014)

### **Section 28.03. Development standards.**

- A. *Site plan review.* Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the township for review by the planning commission. the preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the following procedures and requirements shall apply, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Michigan Mobile Home Commission Rules:

1. *Application filing.* Any person requesting any action or review under the provisions of this Ordinance shall file an application on the forms provided by the township. The information required shall be typed or legibly written on the form or on separate sheets attached to the form.
2. *Optional pre-filing conference.* Applicants may request to meet with township staff, including any consultants designated by the township board, to preliminarily review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by township officials, staff or consultants at such conferences shall constitute approval of any application.
3. *Processing and review.*
  - a. Applications accepted by the township shall be submitted to appropriate township staff and consultants for their written reviews and recommendations. The application shall be submitted



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along with all recommendations to the planning commission. Official receipt of the application is the time the complete plan arrives or is delivered to the township hall.

- b. The staff and consultants may advise and assist the applicant in meeting ordinance requirements but shall have no power to approve or disapprove any application or in any way restrict an applicant's right to seek formal approval thereof.
4. *Planning commission action.* The planning commission shall review all applications at a public meeting. The planning commission shall consider all recommendations of the staff and consultants. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the planning commission shall take action on the preliminary plan within 60 days after the township officially receives the plan. All applications that the planning commission has been charged with the authority to approve under the provisions of this Ordinance shall be approved, denied, or approved subject to conditions. The planning commission may table an application for further study or to obtain additional information, provided that final action is taken within the 60-day review period.
5. *Filing fees.*
  - a. All applications shall be accompanied by a filing fee to cover the cost of processing and reviewing the application. The fee shall be established by resolution of the township board, in accordance with Section 406 of Public Act 110 of 2006, as amended. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the ordinance shall suspend further review of the application and shall deny any new permits.
  - b. Any deposit toward the cost of review shall be credited against the expense to the township. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.
  - c. A schedule of the current filing fees and deposit requirements is available in the office of the township clerk and the building department.
6. *Disclosure of interest.* The full name, address, telephone number, and signature of the applicant shall be provided on the application.

If the application involves real property in the township the applicant must be the fee owner, or have identified legal interest in the property, or be an authorized agent of the fee owner. A change in ownership after the application is filed shall be disclosed prior to any public hearing or the final decision on the application.

  - a. *Required disclosure when applicant is not fee owner.* If the applicant is not the fee owner, the application should indicate interest of the applicant in the property, and the name and telephone number of all fee owners. An affidavit of the fee owner shall be filed with the application stating that the applicant has authority from the owner to make the application.
  - b. *Required disclosure when applicant is a corporation or partnership.* If the applicant or fee owner is a corporation, the name and addresses of the corporation officers and registered agent shall be provided, and if a partnership, the names and addresses of the partners shall be provided.
  - c. *Required disclosure when applicant or owner is a land trust.* If the applicant or fee owner is a trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary must be provided.
7. *Records.* The township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

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- B. *Minimum requirements.* Mobile home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Michigan Mobile Home Commission Rules and, in addition, shall satisfy the following minimum requirements:
1. *Parcel size for overall park.* The minimum parcel size for mobile home parks shall be 15 acres.
  2. *Minimum site size.* Mobile home parks shall be developed with an average site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet; provided that, for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all mobile home park residents. This open space shall be in addition to the open space required under the Michigan Mobile Home Commission Rules in effect at the time the proposal is submitted.
  3. *Setbacks.* Mobile homes shall comply with the following minimum distances and setbacks:
    - a. Twenty feet from any part of an adjacent mobile home that is used for living purposes.
    - b. Ten feet from any on-site parking space of an adjacent mobile home site.
    - c. Ten feet from any attached or detached accessory structure of an adjacent mobile home.
    - d. Fifty feet from any permanent building.
    - e. One hundred feet from any baseball, softball or similar recreational field.
    - f. Ten feet from the edge of an internal road, provided that such road is not dedicated to the public. Mobile homes and other structures in the MHP district shall be set back at least 20 feet from the right-of-way line of a dedicated public road within the mobile home park.
    - g. Seven feet from any parking bay.
    - h. Seven feet from a common sidewalk.
    - i. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any mobile home park boundary line, except that a minimum setback of 50 feet shall be provided from existing and future right-of-way lines of abutting streets and highways.
    - j. Fifty feet from the edge of any railroad right-of-way.
  4. *Maximum height.* Buildings in the MHP district shall not exceed two stories or 25 feet; storage sheds shall not exceed the height of the mobile home.
  5. *Roads.* Roads shall satisfy the minimum dimensional, design, and construction requirements in the Michigan Mobile Home Commission Rules except as follows:
    - a. The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved public collector or arterial road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.
    - d. All roads shall be hard-surfaced and may be constructed with curbs and gutters.
  6. *Parking.*
    - a. All mobile home sites shall be provided with two parking spaces per Michigan Mobile Home Commission Rules.
    - b. In addition, a minimum of one parking space for every three mobile home sites shall be provided for visitor parking located convenient to the area served.
    - c. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.

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- d. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in any required yard on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties with an opaque six-foot wooden fence, six-foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (i.e., no farther than 15 feet apart) which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within two years of planting. Park owners who prohibit storage of boats, motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage and parking.
7. *Sidewalks.* Concrete sidewalks having a minimum width of three feet shall be provided on at least one side of collector roads in the mobile home park. In addition, a five-foot wide concrete sidewalk shall be constructed along the public road(s) on which the mobile home park fronts. Such sidewalk shall be located within the road right-of-way, one foot off of the right-of-way line.
  8. *Accessory buildings and facilities.*
    - a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only.
    - b. Site-built buildings within a mobile home park shall be constructed in compliance with the Lyon Township Building Codes and shall require all applicable permits. Any addition to a mobile home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the Lyon Township Building Codes. Site plan approval shall be required prior to construction of any on-site building within a mobile home park, except for storage sheds or garages for individual mobile homes; storage sheds and garages require a building permit.
    - c. Each mobile home shall be permitted one storage shed or garage. The installation of any such shed or garage shall comply with codes and ordinances of Lyon Township and shall require a building permit. Storage underneath a mobile home or outside on any mobile home site is prohibited. Storage sheds need not be supplied by the owner of the mobile home development.
  9. *Open space.* Open space shall be provided in any mobile home park containing 50 or more mobile home sites. The open space shall comply with the following requirements:
    - a. A minimum of two percent of the parks gross acreage shall be dedicated to well drained, usable open space, provided that a minimum of 25,000 square feet of contiguous open space shall be provided.
    - b. Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Up to 25 percent of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.
  10. *Landscaping.*
    - a. *Perimeter screening.* All mobile home parks shall be screened from existing adjacent residential land use by either a six-foot wall or a densely planted landscaped greenbelt.
      - (1) If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall

would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.

- (2) If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings, which shall be a minimum of three feet in height at the time of planting, and which shall be planted so as to form a complete visual barrier at maturity. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.
- b. *Landscaping adjacent to road.* A landscaped berm measuring 2½ to three feet in height shall be constructed along the public roads on which the mobile home park fronts. The berm shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal. Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in Lyon Township:

Type	Requirements
Deciduous street tree (e.g. Red or Norway Maple, Linden, Ash)	1 per 40 lineal feet of road frontage
Deciduous or evergreen shrubs	1 per 3 lineal feet of road frontage

- c. *Site landscaping.* A minimum of one deciduous or evergreen tree shall be planted per two mobile home sites.
  - d. *Parking lot landscaping.* Off-street parking lots containing more than 15 spaces shall be provided with at least ten square feet of interior parking lot landscaping per space. Such areas shall measure at least 150 square feet and shall be covered by grass, groundcover, shrubs or other live plant material. At least one deciduous tree shall be planted per parking lot landscaped area.
11. *Signs.*
- a. Each mobile home park shall be permitted either:
    - (1) Two signs, each of which shall not exceed five feet in height and 16 square feet in area and shall be set back a minimum of ten feet from any property or right-of-way line; or
    - (2) One sign which shall not exceed five feet in height and 32 square feet in area and shall be set back a minimum of ten feet from any property or right-of-way line.
  - b. Management offices and community buildings in a mobile home park shall be permitted one identification sign not to exceed six square feet in area.
12. *Trash dumpsters.* If proposed, trash dumpsters shall comply with the following requirements:
- a. Dumpsters shall be set back a minimum distance of 50 feet from the perimeter of the mobile home park and at least 15 feet from any building, in a location that is clearly accessible to the servicing vehicle.
  - b. Dumpsters shall be screened on three sides with a decorative masonry wall or wood fencing, not less than six feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
  - c. Dumpsters shall be placed on a concrete pad which shall extend six feet in front of the dumpster enclosure. Bollards (concrete-filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.
13. *Canopies and awnings.* Canopies and awnings may be attached to any mobile homes and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall

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comply with the setback and distance requirements set forth in this article and shall require a building permit.

14. *Water and sewer service.* All mobile home parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Oakland County Health Division and the Michigan Department of Health. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
15. *Storm drainage.* All developed portions of the mobile home park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable local, county and state regulations.
16. *Telephone and electric service.* All electric, telephone, cable TV, and other lines within the park shall be underground.
17. *Fuel oil and gas.* Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all mobile home sites. All fuel lines leading to mobile home sites shall be underground and designed in conformance with the Michigan Mobile Home Commission Rules and other applicable local, county and state regulations.
18. *Operational requirements.*
  - a. *Permit.* It shall be unlawful for any person to operate a mobile home park unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public Act No. 96 of 1987, as amended. The building official shall communicate his/her recommendations regarding the issuance of such licenses to the Director of Mobile Home Division, Corporation and Securities Bureau, Michigan Department of Commerce.
  - b. *Violations.* Whenever, upon inspection of any mobile home park, the building official finds that conditions or practices exist which violate provisions of this Ordinance or other regulations referenced herein, the building official shall give notice in writing by certified mail to the Director of Michigan Mobile Home Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
  - c. *Inspections.* The building official or other authorized township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any mobile home park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
  - d. *A mobile home park shall not be operated until a license has been issued by the Michigan Department of Commerce.* Buildings constructed on-site, such as a management office or clubhouse, shall require a township building permit prior to construction and a certificate of occupancy prior to use.
19. *Sale of mobile homes.* The business of selling new or used mobile homes as a commercial operation shall not be permitted after complete occupancy of a new or expanded mobile home park has been achieved. Thereafter, new or used mobile homes located on sites within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit such sale.

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20. *School bus stops.* School bus stops shall be located in an area that is acceptable to the school district and the mobile home park developer.
  21. *Mailbox clusters.* The United States Postal Service may require that mobile home parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a mobile home park road with a public road.

## **ARTICLE 29.00 O-1 OFFICE DISTRICT**

### **Section 29.01. Statement of purpose.**

- A. The intent of the O-1 office district is to accommodate various types of administrative and professional offices, as well as certain personal service businesses, which can serve as a transitional use between more intensive land uses (such as thoroughfares and commercial uses) and less intensive residential uses.
- B. This district is intended to prohibit those types of retail uses and other activities that typically generate large volumes of traffic, traffic congestion, parking problems, or other impacts that could negatively affect the use or enjoyment of adjoining property. Accordingly, modern low-rise office buildings in landscaped settings with ample off-street parking are considered most appropriate for this district.

### **Section 29.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned O-1 office district, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:
  1. Office buildings for any of the following occupations: Administrative services, accounting, clerical, drafting, education, executive, insurance, professional, real estate, research, sales agent, stock broker, technical training, stenographic, or writing.
  2. General office buildings and uses, provided that goods are not manufactured, exchanged, or sold on the premises.
  3. Medical and dental clinics or offices.
  4. Financial institutions, including banks, credit unions, and savings and loan associations.
  5. Offices of a municipality or other public entity, including public utility buildings, provided there is no outside storage of materials or vehicles.
  6. Business schools and colleges, or vocational training schools, dance schools, music and voice schools and art studios.
  7. Electronic data processing and computer centers.
  8. Photographic studios.
  9. Other uses similar to the above.
  10. Essential services, subject to the provisions in section 12.14.
  11. Uses and structures accessory to the above, subject to the provisions in article 18.00.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to: The conditions specified for each use; review and approval of the site plan by the planning commission and township board;

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any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in article 6.00.

1. Accessory retail uses customarily related to a the principal office uses permitted by this section, including but not limited to: A snack bar, a pharmacy or apothecary shop, sales of corrective garments or home health care equipment, optical services, barber shop or beauty salon, or other retail or service business that is intended to serve the occupants and patrons of the principal uses. Such uses may be permitted only under the following conditions:
  - a. There shall be no exterior display or advertising; and
  - b. Any such use shall be an incidental use in a building that accommodates a principal office use. The floor space set aside for the interior display and sale of merchandise shall occupy no more than 25 percent of the total usable floor area of the building.
2. Personal service establishments, including barber shops and beauty salons.
3. Standard restaurant when located within an office building or as a part of a multiple-building complex.
4. Medical or dental laboratories, excluding the manufacturing of pharmaceuticals or other products for wholesale distribution.
5. Child care centers, subject to the provisions in section 19.02, subsection O.

### **Section 29.03. Development standards.**

- A. *Required conditions.* Unless otherwise noted, buildings and uses in the office district shall comply with the following requirements:
  1. All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
  2. All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building. No displays of merchandise or products or signs advertising such merchandise or products shall be visible from the outside.
  3. There shall be no outside storage of any goods, inventory, vehicles, or equipment.
  4. Commercially used or licensed vehicles with a rated capacity of one ton or more shall not be parked on the site, except for a short duration during normal deliveries.
- B. *Site plan review.* Site plan review and approval is required for all uses in the office district in accordance with article 4.00.
- C. *Area, height, bulk and placement requirements.* Buildings and uses in the office district are subject to the area, height, bulk, and placement requirements in article 36.00, Schedule of Regulations.
- D. *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article 7.00.
- E. *General development standards.* Buildings and uses in the office district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

<u>Article</u>	<u>Topic</u>
Article 12.00	General Provisions
Article 14.00	Off-Street Parking and Loading
Article 15.00	Landscaping, Screening and Walls
Article 19.00	Site Development Standards

## **ARTICLE 31.00 B-2 COMMUNITY BUSINESS DISTRICT**

### **Section 31.01. Statement of purpose.**

The intent of the B-2, community business district is to meet the convenience and comparison shopping needs of the community by providing for development of a broad range of retail and service establishments. Because of the variety of businesses permitted, attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining uses. Community business uses must be buffered from residential uses and shall be served by a major thoroughfare.

(Ord. No. 01-12, pt. 2, 2-6-2012; Ord. No. 11-14, pt. 2, 10-6-2014)

### **Section 31.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned B-2, community business district, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal uses:
1. Retail business that supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, alcoholic beverages, baked goods and other foods, drugs, dry goods, notions, hardware, books and periodicals, stationery and office supplies, audio and video sales and rental, bicycles, flowers, hobby equipment, paints, clothes and shoes, sporting goods, small household articles, and tobacco products.
  2. Retail or service establishments that offer comparison goods, such as, but not limited to: carpet stores, furniture stores, building material sales (including hardware, glass, and lumber), household appliances stores, auto parts stores, and paint and wallpaper stores.
  3. General office buildings, provided that goods are not manufactured, exchanged or sold on the premises.
  4. Medical and dental clinics and offices.
  5. Veterinary clinics and hospitals for the care of small animals, subject to the provisions in section 19.02, subsection FF.
  6. Financial institutions, such as banks, credit unions, and savings and loan associations.
  7. Offices of a municipality of other public entity.
  8. Offices, showrooms, or workshops of a plumber, electrician, building contractor, upholsterer, caterer, exterminator, decorator, or similar trade, subject to the following requirements:
    - a. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
    - b. The ground floor premises facing upon a street shall be used only for entrances, offices, sales and display.
    - c. There shall be no outside storage of materials or goods of any kind.



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9. Establishments that perform services on the premises, such as: beauty and barbershops; watch, radio, television, clothing and shoe repair; locksmith; photo processing; and similar service establishments.
  10. Laundry and dry cleaning customer outlets, coin operated laundromats, self-serve dry cleaning establishments, and similar operations.
  11. Computer and data processing centers.
  12. Photographic studios.
  13. Nursery schools and child care centers, subject to the provisions in section 19.02, subsection O.
  14. Private service clubs and fraternal organizations.
  15. Assembly halls, display halls, banquet halls, and similar places of assembly.
  16. Standard restaurants, bars, and lounges, but not including drive-in, drive-through or fast-food restaurants.
  17. Fitness centers.
  18. Business schools and colleges, vocational training schools, dance schools, music and voice schools and art studios.
  19. Funeral homes, subject to the requirements in section 19.02, subsection M.
  20. Minor vehicle repair, including trucks up to 1½ ton capacity, subject to section 19.02, subsection E.
  21. Oil change shops.
  22. Tire replacement stores, with or without minor vehicle repair, subject to section 19.02, subsection E.
  23. Windshield and glass repair.
  24. Auto parts stores.
  25. Other uses similar to the above.
  26. Essential services, subject to the requirements in section 12.14.
  27. Uses and structures accessory to a permitted principal or special land use, subject to the provisions in article 18.00.
  28. Brewpubs, subject to the requirements in section 19.02, subsection MM.
  29. Microbreweries capable of producing more than 5,000 barrels of beer per year, subject to the requirements in section 19.02, subsection MM.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to: the conditions specified for each use; review and approval of the site plan by the planning commission and the township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in article 6.00.
1. Religious institutions, subject to the requirements in section 19.02, subsection AA, and provided that such a use does not conflict with the orderly development and utilization of the commercial district.
  2. Outside sales and display, if accessory to a principal structure or use on the same parcel, subject to the requirements in section 19.02, subsection X. Examples of outside sales and display that may be permitted include, but are not limited to: the display and sales of nursery plants, garden supplies, fruits and vegetables, playground equipment, lawn furniture, and swimming pools. Displays partially or totally housed in a tent that is open on at least one side shall be considered outside display. Displays of

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six months or less shall be considered temporary; displays of greater than six months shall be considered permanent.

3. Outdoor recreations facilities, such as a children's amusement park or a golf driving range, subject to the requirements in section 19.02, subsection Z. Any such use shall be fenced on all four sides.
4. Indoor recreation facilities, such as, but not limited to, bowling establishments, gymnasiums, ice skating rinks, tennis clubs, court sports facilities, subject to the requirements in section 19.02, subsection Z.
5. Arcades, when accessory to a larger indoor recreation facility, restaurant or bar, or club or lodge, subject to the requirements in section 19.02, subsection Z.
6. Enclosed theaters, such as a movie theater.
7. Fast-food, drive-in, and drive-through restaurants, subject to the requirements in section 19.02, subsection J. Outdoor seating for such restaurants shall be permitted subject to the requirements in section 19.02, subsection X.
8. Gas or filling stations, with or without convenience stores, subject to the requirements in section 19.02, subsection E.
9. Gas or filling stations with minor vehicular repair, subject to section 19.02, subsection E.
10. Car or vehicle wash establishments, subject to the requirements in section 19.02, subsection F.
11. Vehicle sales and rental, subject to the requirements in section 19.02, subsection D.
12. Microbreweries that are capable of producing more than 5,000 barrels of beer per year, subject to the requirements of in section 19.02, subsection MM.
13. Small wine makers and hard cider producers, subject to the regulations in section 19.02.NN.
14. Small distillers, subject to the regulations in section 19.02.OO.

(Ord. No. 01-12, pt. 2, 2-6-2012; Ord. No. 10-14, pt. 4, 9-2-2014; Ord. No. 11-14, pt. 2, 10-6-2014; Ord. No. 04-15, pt. 2, 4-6-2015; Ord. No. 195-18, § 4, 6-4-2018)

### **Section 31.03. Development standards.**

- A. *Required conditions.* Unless otherwise noted, buildings and uses in the community business district shall comply with the following requirements:
1. All permitted retail or service establishments shall deal directly with the customers. Manufacturing of products for wholesale distribution off the premises is not permitted.
  2. All business, services, and processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise permitted.
  3. Outside storage of goods, inventory and equipment is prohibited. Any storage shall be accessory to the principal use of the site.
  4. Parking or storage of damaged or disabled vehicles is prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.
  5. Commercially uses or licensed vehicles used in the normal operation of a retail or service use shall be parked in the rear. This provision shall apply to operable vehicles that are moved on and off the site on a regular basis.

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- B. *Site plan review.* Site plan review and approval is required for all uses in the community business district pursuant to article 4.00.
  - C. *Area, height, bulk and placement requirements.* Buildings and uses in the community business district are subject to the area, height, bulk, and placement requirements in article 36.00, Schedule of Regulations.
  - D. *Planned development.* Planned development may be permitted as a means to achieve the intent of this district, pursuant to the guidelines in article 7.00.
- (Ord. No. 01-12, pt. 2, 2-6-2012; Ord. No. 11-14, pt. 2, 10-6-2014)

## **ARTICLE 32.00 B-3 GENERAL BUSINESS DISTRICT**

### **Section 32.01. Statement of purpose.**

The intent of the B-3, general business district, is to provide a broad range of convenience and comparison retail goods and services, to serve residents of the township and surrounding communities as well as passersby. Permitted uses in the B-3 district are generally no appropriate adjacent to residential uses, unless ample screening or buffering is provided. Because of the variety of businesses permitted, attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining uses. General business uses shall be served by a major thoroughfare.

(Ord. No. 01-12, pt. 2, 2-6-2012; Ord. No. 12-14, pt. 2, 10-6-2014)

### **Section 32.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned B-3, general business district, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal uses:
  - 1. All permitted principal uses and structures permitted in the B-2, community business district, as specified in section 31.02, subsection A.
  - 2. Public transit waiting stations or park-and-ride lots.
  - 3. New and used automobile, truck and tractor, boat, mobile home, recreation vehicle and trailer sales, subject to the provisions in section 19.02, subsection D. Any such use which includes an outdoor sales area shall require special land use approval.
  - 4. Indoor recreation uses such as bowling establishments, gymnasiums, ice skating rinks, tennis clubs, roller skating rinks, court sports facilities, and similar recreation facilities, subject to the provisions in section 19.02, subsection Z.
  - 5. Arcades, when developed as an accessory use in a larger indoor recreation facility, a restaurant or bar, or a club or lodge, subject to the provisions in section 19.02, subsection Z.
  - 6. Enclosed theaters, such as a movie theater.
  - 7. Hotels and motels, subject to the provisions in section 19.02, subsection U.
  - 8. Dance halls, assembly halls, and similar places of assembly.
  - 9. Mini-warehouses, subject to the provisions in section 19.02, subsection T.

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10. Publicly owned or controlled parks and recreation facilities on B-3 zoned tracts of land that are 30 acres or larger, subject to section 19.02, subsection Z.
  11. Other uses similar to the above.
  12. Essential services, subject to the provisions in section 12.14.
  13. Uses and structures accessory to a permitted principal or special land use, subject to the provisions in article 18.00. Accessory assembly, processing, and warehouse-type uses may be permitted where such activities are clearly incidental to the principal commercial use, subject to the provisions in section 19.04, subsection A.
  14. Brewpubs, subject to the requirements in section 19.02, subsection MM.
  15. Microbreweries capable of producing not more than 5,000 barrels of beer per year, subject to the requirements in section 19.02, subsection MM.
  16. Small wine makers and hard cider producers, subject to the regulations in section 19.02.NN.
  17. Small distillers, subject to the regulations in section 19.02.OO.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to: the conditions specified for each use; review and approval of the site plan by the planning commission and the township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in article 6.00.
1. Gas or filling station, with or without convenience store, subject to section 19.02, subsection E.
  2. Gas or filling station with minor vehicle repair, subject to section 19.02, subsection E.
  3. Major vehicle repair, including trucks up to 1½ ton capacity, subject to section 19.02, subsection E.
  4. Car or vehicle wash establishment, subject to section 19.02, subsection F.
  5. New and used automobile, truck and tractor, boat, mobile home, recreation vehicle and trailer sales and rental, where the use includes an outdoor sales area, subject to the provisions in section 19.02, subsection D.
  6. Fast-food, drive-in, and drive-through restaurants, subject to the provisions in section 19.02, subsection K.
  7. Drive-in establishments (other than drive-in restaurants), subject to the provisions in section 19.02, subsection J.
  8. Religious institutions, subject to the provisions in section 19.02, subsection AA, provided that such a use will not conflict with the orderly development and utilization of the surrounding commercial district.
  9. Open-air sales and display may be permitted as an accessory use to a principal structure, subject to special land use approval and the regulations in sections 19.02, subsection X. Examples of open-air sales and display include, but are not limited to, the display and sales of nursery plants, garden supplies, fruits and vegetables, playground equipment, lawn furniture, swimming pools. Displays partially or totally housed in a tent that is open on one side shall be considered open-air. Displays of six months or less shall be considered temporary; displays of greater than six months shall be considered permanent.
  10. Privately owned or controlled parks and recreation facilities.

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11. Adult book or supply stores, adult motion picture theaters, adult live stage performing theaters, adult motion picture arcades, adult motels, adult model studios, group "A" cabarets, massage parlors or establishments, and similar adult uses, subject to the provisions in section 19.02, subsection B.
  12. Arcades, subject to the provisions in section 19.02, subsection Z.
  13. Lumberyards or building material sales establishments which have storage in partially open structures, subject to the following conditions:
    - a. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.
    - b. Open storage structures shall be enclosed on three sides and shall have a roof.
    - c. The entire site, exclusive of access drives, shall be enclosed with a six-foot high fence or masonry wall, constructed in accordance with section 12.16.
    - d. A landscaped greenbelt with a minimum width of 20 feet shall be required adjacent to any street, in conformance with section 15.02, subsection D.
  14. Microbreweries that are capable of producing more than 5,000 barrels of beer per year, subject to the requirements in section 19.02, subsection MM.

(Ord. No. 01-12, pt. 2, 2-6-2012; Ord. No. 03-12, pt. 2.G., 8-6-2012; Ord. No. 05-13, pts. 6, 7, 11-4-2013; Ord. No. 10-14, pt. 5, 9-2-2014; Ord. No. 12-14, pt. 2, 10-6-2014; Ord. No. 04-15, pt. 2, 4-6-2015; Ord. No. 195-18, § 5, 6-4-2018)

### **Section 32.03. Development standards.**

- A. *Required conditions.* Unless otherwise noted, buildings and uses in the general business district shall comply with the following requirements:
  1. All permitted retail or service establishments shall deal directly with the customers. Manufacturing of products for wholesale distribution off the premises is not permitted.
  2. All business, services, and processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise permitted.
  3. Outside storage of goods, inventory and equipment is prohibited. Any storage shall be accessory to the principal use of the site.
  4. Parking or storage of damaged or disabled vehicles is prohibited. Vehicles parked on a site shall not be used principally for storage, sales, or advertising.
  5. Commercially used or licensed vehicles used in the normal operation of a retail or service use shall be parked in the rear. This provision shall apply to operable vehicles that are moved on and off the site on a regular basis.
- B. *Site plan review.* Site plan review and approval is required for all uses in the general business district pursuant to article 4.00.
- C. *Area, height, bulk and placement requirements.* Buildings and uses in the general business district are subject to the area, height, bulk and placement requirements in article 36.00, Schedule of Regulations.
- D. *Planned development.* Planned development may be permitted as a means to achieve the intent of this district, pursuant to the guidelines in article 7.00.

(Ord. No. 01-12, pt. 2, 2-6-2012; Ord. No. 12-14, pt. 2, 10-6-2014)

## **ARTICLE 33.00 I-1 AND I-2 INDUSTRIAL DISTRICTS**

### **Section 33.01. Statement of purpose.**

- (a) The intent of the I-1 and I-2 industrial districts is to permit the use of land, buildings, and structures for the manufacturing, processing, fabricating, compounding, treatment, packaging and/or assembly of materials or goods, warehousing or bulk storage of goods, and related accessory uses. Related accessory uses may include, by way of example, research, design, and prototype development related to the industrial operations; the storage of goods in connection with or resulting from industrial operations; the provision of amenities for persons engaged in such operations; the sale of goods resulting from such operations; and, any work of administration or accounting in connection with the industrial operations.
- (b) The I-1 and I-2 industrial districts are also intended to accommodate certain quasi-industrial uses which have characteristics typically associated with industrial operations even though such uses are not engaged in manufacturing, processing, or other industrial operations. Such uses may include, by way of example, lumber yards or contractor yards.
- (c) The regulations in this article 33.00 are further intended to protect lands and uses surrounding industrial development. These regulations are therefore intended to promote only those industrial operations that pose minimal risk from fire; explosions; release of toxic, noxious or hazardous material; exposure to radiation; or other hazards to the health, safety and welfare of the citizens of Lyon Township.
- (d) The regulations in this article provide for two industrial districts with the intent that only the least intensive industrial operations having no external off-site impacts should be located in the I-1 district, which may abut land zoned for residential or commercial use. More intensive industrial operations should be located in the I-2 district, which is intended to be separated from residential and commercial districts.

### **Section 33.02. Permitted uses and structures.**

- A. *Table of Permitted Uses.* In all areas zoned I-1 or I-2, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the uses listed in the following Table of Permitted Uses.
- B. *Special land uses.*
  - 1. Special land uses shall be subject to the review and approval standards and procedures in article 6.00. Class 1 special land uses require the level of scrutiny that is typically applied to all special land use proposals. Class 2 special land uses require an increased level of scrutiny because such uses may: (i) pose a serious risk to the health or safety of township residents; and/or (ii) cause serious degradation of the environment, and/or (iii) be characterized by severe nuisance impacts (noise, odors, etc.).
  - 2. To determine if a proposed special land use may be permitted in a particular location, the planning commission and township board may consider the operating and environmental history of the proposed business, and may require the evaluation of the proposed use by experts who are knowledgeable about the industrial processes associated with the proposed uses. In granting special land use approval, the township board may impose reasonable conditions, including the need for periodic review and re-approval of the special land use.

C. *Uses not cited by name.* A land use which is not cited by name as a permitted use in an I-1 or I-2 zoning districts may be permitted upon determination by the planning commission that such use is clearly similar in nature and intensity and compatible with the permitted uses in the district. In making such a determination, the planning commission shall consider the following:

1. *Determination of compatibility.* In making the determination of similarity and compatibility with permitted uses in the district, the planning commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, truck and vehicular traffic generation, types of services offered, types of goods produced, methods of operation, impacts from noise, air contaminants, odor, heat, fire hazards, and water contaminants, and building and site characteristics.
2. *Conditions by which use may be permitted.* If the planning commission determines that the proposed use is similar to and compatible with permitted uses in the district, the commission shall then decide whether the proposed use shall be permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The planning commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

Notwithstanding these provisions, any use not specifically listed in the I-1 or I-2 district but which is specifically listed as a use permitted by right or as a special land use in another district, shall not be permitted in the I-1 or I-2 districts.

**TABLE OF PERMITTED USES**

Legend:	
√ =	Use is Principal Permitted Use
χ =	Not Permitted in District
SP1 =	Class 1 Special Land Use — See subsection 33.02.B
SP2 =	Class 2 Special Land Use — See subsection 33.02.B
* Please note: Industrial operations of any type occupying over 100,000 sq. ft. of gross floor area, or having a net density of over 40 employees per acre, or generating more than 100 truck trips per day shall be subject to special land use approval in the I-1 district.	

SECTION 33.02 TABLE OF PERMITTED USES			
Use	Districts Where Permitted		Comments
	I-1*	I-2	
A. Manufacturing, processing, fabricating, compounding, treatment, packaging or assembly related to the following:			
1. Food products	√	√	
2. Textiles, apparel, other fabric products	√	√	

3. Lumber and wood products, including lumber yards and building materials sales establishments.	√	√	See section 33.03, subsection C, for conditions related to lumber yards. Lumber and planing mills shall be permitted in the I-2 district only
4. Furniture and fixtures	√	√	
5. Paper and allied products	√	√	
6. Printing, publishing, and allied industries	√	√	
7. Chemicals and allied products	χ	SP1	
8. Oil and gas processing facilities	SP1	SP1	Oil and gas processing facilities are permitted for purpose of processing oil and gas extracted in the township, subject to section 19.02, subsection IV
9. Rubber and plastics products, including manufacture of products from recycled plastic	√	√	
10. Leather and leather products	√	√	
11. Stone, clay and glass products, including brick and block products	√	√	
12. Primary metals industries	√	√	
13. Fabricated metal products, machinery and transportation equipment	√	√	
14. Machinery	√	√	
15. Electrical and electronic machinery and parts	√	√	
16. Transportation equipment	√	√	
17. Professional and scientific instruments	√	√	
18. Photographic and optical equipment	√	√	
19. Watches and clocks	√	√	
20. Sheet metal products (including heating and ventilating equipment, cornices, eaves, etc.)	√	√	Stamping, pressing, and reforming of major sheet metal shall be permitted in the I-2 district only, subject to special land use approval
21. Processing of corrosive acid, cement, lime, gypsum or plaster	χ	SP2	
22. Distillation of bone, tar, petroleum refuse, grain or wood	χ	SP2	
23. Processing or storage of manufactured explosives, including dynamite, plastique, blasting caps, etc.	χ	SP2	



24. Processing of fertilizer or storage of compost	χ	SP2	
25. Processing of products from animal refuse or offal, including glue, size or gelatin	χ	SP2	
26. Processes that use steam or board hammers or forging presses	χ	SP2	
27. Tanning, curing or storage of skins or hides	χ	SP2	
28. Processing of sulphurous, sulfuric, picric, nitric, carbolic, hydrochloric or other corrosive acid	χ	SP2	
29. Recycling where materials are incinerated	χ	SP2	
30. Sludge processing plants	χ	SP2	
31. Metal recycling plants where scrap metal and metal products are melted	χ	SP2	
B. Railroad transfer and maintenance facilities	χ	SP1	
C. Motor freight transportation and related facilities	SP1	√	See section 33.03, subsection G, for special conditions
D. Wholesale trade (including wholesale and industrial distributors, warehousing, freight forwarders, wholesale assemblers)	√	√	
E. Laboratories involved in research, design, testing, prototype product development	√	√	
F. Greenhouse and plant nurseries, including outside storage of plant material	√	√	
G. Tool, die, gauge and machine shops	√	√	
H. Data processing and computer centers	√	√	
I. Central dry cleaning plants and laundries	√	√	Such facilities shall not deal directly with customers at retail
J. Public utility or municipal service buildings (including electric or gas service buildings or yards, telephone exchange buildings, electric transformer stations, gas regulator stations, water treatment plants, sewage treatment plants)	√	√	

K. Recycling collection stations and centers, but not including sorting and cleaning facilities	SP1	v	
L. Landscape contractor's operation	SP1	v	See section 33.03, subsection D, for special conditions
M. Contractor storage yards	χ	SP1	
N. Radio and television transmitting and receiving towers	SP1	SP1	See section 19.02, subsection Y.
O. Mini warehouses	SP1	χ	See section 19.02, subsection T.
P. A septic field or retention or detention basin that is accessory to a commercial use	SP1	SP1	See section 33.03, subsection I, for special conditions
Q. Construction equipment and related equipment sales, leasing, and storage	SP1	v	See section 33.03, subsection H, for special conditions
R. Truck, tractor, and trailer sales, rental and repair	SP1	SP1	See section 19.02, subsection X.
S. Salvage yards for the conversion of saleable materials	χ	SP1	See section 19.02, subsection 5.
T. Stockyards, slaughterhouses and rendering plants	χ	SP2	
U. Any use that poses an unusually high risk to the quality or quantity of ground or surface water	χ	SP2	
V. Concrete plants	χ	SP1	See section 19.02, subsection GG.
W. Minor vehicle repair, including trucks up to 1½ ton capacity	SP1	SP1	See section 19.02, subsection E.
X. Major vehicle repair, including trucks up to 1½ ton capacity	SP1	SP1	See section 19.02, subsection E.
Y. Repair of RVs and trucks having a rated capacity up to or greater than 1½ ton capacity	SP1	SP1	See section 19.02, subsection E.
Z. Tire replacement with minor vehicle repair	SP1	SP1	See section 19.02, subsection E.
AA. Sales, rental and repair of motorhomes, travel trailers, fifth wheels, truck campers and camping trailers or pop-ups, and other recreational vehicles with sleeping, sanitary and food preparation capabilities which are normally intended for temporary lodging and shelter while traveling or vacationing	SP1	χ	See Subsection 19.02.HH for conditions

BB. General office buildings and uses, including but not limited to, office for administrative functions, accounting, insurance, professional services, financial, services, and financial institutions, such as banks	SP1	SP1	
CC. Commercial recreation facilities designed and equipped for the conduct of amateur sports, exercise and other recreation activities in enclosed buildings, which are operated as a business and open to the public for such activities through a membership or use fee, such as: indoor soccer; tennis, racquet and handball courts; ice and roller skating rinks; basketball and volley ball courts; exercise and fitness centers; golf ranges; firearm shooting ranges; gymnasiums; swimming pools; trampoline establishments, and similar facilities. This shall not include entertainment facilities such as theaters, video or pinball arcades or billiard or pool parlors.	SP1	SP1	See subsection 19.02.LL for conditions
DD. Essential services	√	√	See section 12.14 for conditions
EE. Uses and structures accessory to the above	√	√	See article 18.00. accessory office and sales operations may be permitted, subject to section 19.04, subsection A.
FF. Industrial uses not listed	See subsection 33.02.C, uses not cited by name		

(Ord. No. 01-14, § 3, 1-7-2014)

### Section 33.03. Development standards.

#### A. Enclosure of operations in a building.

1. All manufacturing, compounding, assembling, processing, packaging, or any other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified herein, and except for outside storage that may be permitted in accordance with the conditions specified in section 33.03, subsection B. Operation of pollution control equipment is an industrial activity that is subject to these enclosure requirements.
2. All doors and windows must be closed at all times, except as otherwise specified, to insure that the maximum amount of noise, odor, smoke, steam, debris or other bi-products of the manufacturing, compounding, assembling, processing, packaging or other industrial or business activities are retained within the confines of the enclosed building. Any pedestrian or delivery doors may be opened, but only

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during the actual process of loading or unloading supplies and/or materials and for the normal ingress and egress of pedestrian use. Additionally, windows and doors may be open for valid emergency purposes that affect the health, safety, and welfare of the industrial or business employees.

3. A waiver from these building enclosure requirements may be sought to allow doors and/or windows to be left open. Upon receipt of a written request, such a waiver may be granted by the building official or his/her designee. The building official or his/her designee may revoke the waiver at his/her discretion.

B. *Outside storage.* Outside storage may be permitted in conjunction with and accessory to any permitted use in the I-1 and I-2 district subject to the following conditions:

1. Outside storage may be used only to store materials to be used on a timely basis in the inside industrial operations or for storage of finished product prior to shipment. In no case shall outdoor storage areas be used to store obsolete machinery or materials no longer used or intended to be used in the industrial operation.
2. No individual product or material shall be stored outside for more than one year.
3. Outside storage may extend to the property lines except that it shall extend no closer to any road than the principal building on the site, and no closer than 75 feet to any residentially-zoned district.
4. Outside storage shall be completely screened with a screen that is opaque through all seasons from the ground to a height of at least eight feet. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation or a combination thereof. A plan for ongoing replacement of dead or diseased vegetation shall be submitted if any portion of the required screen includes vegetation. Compliance with landscaped or vegetative screening shall be based on the average mature height and year-round density of foliage of the proposed plant species, and may include field observation of existing vegetation. Walls and fences shall comply with the requirements in article 15.00.

The planning commission may waive or modify these requirements for screening upon determining that the outdoor storage will be adequately screened from view by existing or proposed buildings, trees or shrubs, or other physical features.

5. Outside storage shall not exceed eight feet in height.
6. Outside storage that is screened with vegetation alone shall be completely enclosed within a security fence.
7. Outside storage areas shall be paved and properly drained. The planning commission may waive the requirement for paving where the applicant submits sufficient evidence that a paved surface would not support heavy machinery used on the site or would not otherwise be appropriate for the intended use of the site. Paved, gravel, crushed concrete or other surfacing shall be subject to review and approval by the township engineer. Unpaved open storage shall be permitted only where it is not visible from the perimeter of the site and all public roads. Pavement shall be required if there is any risk of ground or surface water contamination as a result of a spill or leakage.
8. Outside storage areas shall be shown on a site plan, which shall be subject to special land use review and approval. The site plan shall illustrate or specify the following information, at minimum:
  - a. The exact boundaries of proposed outside storage.
  - b. Surfacing and drainage details.
  - c. Screening details.

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- d. Layout of outside storage areas, including access and maneuvering areas. The applicant shall demonstrate on the site plan how clear access throughout the storage area will be maintained for emergency vehicles.
  9. For the purposes of this subsection, trucks, trailers, and other equipment used in the normal course of an approved, legally operated business shall not be considered outside storage. Any such accessory truck and trailer parking shall be permitted in the I-1 and I-2 districts provided such parking is screened in accordance with section 15.02, subsection E. Trailers parked on a site shall not be used for storage.
  10. Outdoor storage shall only be permitted on parcels abutting principal arterial, minor arterial, rural major/urban collector, or rural minor collector roads, as identified in the Lyon Township Master Plan.
- C. *Lumber yards and building material sales establishments.* Lumber yards or building material sales establishments may have storage in partially open structures (instead of fully-enclosed structures), subject to the following conditions:
1. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.
  2. Open storage structures shall be enclosed on three sides with a roof and the open side shall not be visible from the road.
  3. The entire site, exclusive of access drives, shall be enclosed with a six-foot high chain link fence or masonry wall, constructed in accordance with section 12.16.
  4. A landscaped greenbelt with a minimum width of 20 feet shall be required adjacent to any street, in conformance with section 15.02, subsection D.
- D. *Landscape contractor operations.* Landscape contractor operations shall comply with the following requirements:
1. All vehicles and equipment shall be stored in a fully-enclosed building.
  2. Heavy construction equipment, such as bulldozers and front-loaders, shall not be stored or used on the site, unless approved as a special land use.
  3. Outside storage of plant material is permitted in the I-1 and I-2 districts. Outside storage of landscape materials, such as mulch, top soil, stone, etc., shall be permitted subject to the requirements in the preceding subsection B.
- E. *Accessory retail and service uses.*
1. Accessory retail or service uses that are intended to serve the employees and patrons of the principal use shall be an incidental use occupying no more than five percent of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:
    - a. Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drug stores, uniform supply stores, or similar retail businesses.
    - b. Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, or similar service establishments.
    - c. Restaurants, cafeterias, or other places serving food and beverages for consumption within the building.
    - d. Financial institutions, including banks, credit unions, and savings and loan associations.

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2. Limited accessory retail sales of primarily products produced by a permitted use located on the premises, where such retail operations are intended to serve the general public shall be permitted in the I-1 and I-2 districts, subject to the following requirements:
    - a. *Character of the principal use.* The principal use on the site must be industrial in character.
    - b. *Percent of floor area.* The retail activity shall occupy no more than twenty percent of total floor area or 2,000 square feet, whichever is less.
    - c. *Products offered for sale.* Retail sales shall be limited primarily to products produced on the premises. If it is determined that the sale of limited specialty products not produced on the premises is essential to installation or use of the principal product sold, then such sales may be permitted.
    - d. *Compatibility of traffic.* The type of and quantity of traffic generated by the retail sales operation shall be compatible with permitted industrial uses in the district.
  - F. *Truck and trailer parking.* Trucks and trailers used on an ongoing basis for accessory transport operations related to a permitted principal use may be parked outside subject to the following requirements:
    1. No truck or trailer shall be parked outside longer than seven calendar days, except that trucks, trailers and other equipment that are accessory to the principal building or use may be parked for longer periods, subject to prior township approval of a site plan illustrating the location and method of screening such parking from roads and residential uses.
    2. Truck and trailer parking shall comply with the screening, setbacks, location, paving, drainage, and site plan review requirements for outside storage, as described in section 33.03, subsection B.
    3. The requirements in this subsection F., shall not apply to motor freight and other businesses whose principal operation is trucking, shipping, or cartage.
  - G. *Motor freight operations.* Motor freight operations, including trucking, shipping, or cartage companies, shall comply with the following requirements:
    1. No truck or trailer shall be parked outside longer than seven calendar days, except that trucks, trailers and other equipment that are accessory to the principal building or use may be parked for longer periods, subject to prior township approval of a site plan illustrating the location and method of screening such parking from public roads and residential uses.
    2. Truck and trailer parking shall comply with the requirements for screening, setbacks, location, paving, drainage, and site plan review that apply to outside storage, as described in section 33.03, subsection B. Trucks and trailers parked on the site shall be completely screened from view from any public road or highway.
    3. Outside storage, except for truck and trailer parking associated with the principal business shall be prohibited.
    4. No outside repair of any type shall be permitted.
    5. The township board, after receiving a recommendation from the planning commission may restrict the hours of operation of a motor freight operation to reduce the impact of any such use on other land uses.
    6. The township board, after receiving a recommendation from the planning commission, may limit the number or location of driveways used for truck ingress or egress, the travel routes used by the trucks, and/or hours of operation for the purposes of traffic safety and to reduce the impact of any such use on other land uses.
    7. Exterior speakers shall not be permitted.

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8. Storage of gasoline or other liquid combustible materials shall comply with the requirements imposed by the state fire marshal on, above or below ground tanks.
- H. *Construction equipment and related equipment sales and leasing.* Companies engaged in sales and leasing of construction and related equipment shall comply with the outside storage requirements of section 33.03, subsection B.
- I. *Septic field or retention basin accessory to a commercial use.* A septic field or retention or detention basin that is accessory to a commercial use may be located on industrially-zoned property, subject to the following conditions:
1. The septic field or retention or detention shall be located on the same parcel of land as the commercial use to which it is accessory.
  2. Placement of the septic field or retention or detention basin on industrially-zoned land shall be permitted only if the applicant demonstrates to the planning commission's satisfaction that there is no other feasible alternative for development of the parcel.
  3. Placement of the septic field or retention or detention basin on industrially-zoned land shall not be permitted if the planning commission finds that such action would in any way be detrimental to the development or use of nearby industrially-zoned properties or the industrial district as a whole.
- J. *Additional required conditions.* Except as otherwise noted, buildings and uses in the industrial districts shall comply with the following requirements:
1. Production and manufacturing facilities and operations permitted subject to special land use approval in the I-2 district shall be located not less than 300 feet from any residentially-zoned district.
  2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in article 20.00.
  3. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall maintain compliance with all environmental and safety and health statutes and regulations promulgated by the United States Environmental Protection Agency, Michigan Department of Environmental Quality, or other federal, state, or county agency or department.
  4. For the purposes of determining landscaping and architectural design requirements, the yard adjacent to the I-96 freeway shall be considered a front yard.
  5. Truck and trailer parking on parcels adjacent to I-96 shall be screened from exposure to I-96 in accordance with the screening requirements in section 15.02, subsection E.
  6. Where applicable, machinery shall comply with the standards in section 19.02, subsection EE.
- K. *Site plan review.* Site plan review and approval is required for all uses in the industrial districts in accordance with article 4.00. The industrial activity statement described in the following subsection L., shall be required for site plan review and shall be considered an integral part of the approved site plan.
- L. *Industrial activity statement.* In order to plan for and accommodate new industries in Lyon Township, the following information shall be provided for all proposed industrial businesses. An industrial activity statement is required in conjunction with site plan review. An industrial activity statement is also required for a new industry prior to occupying an existing building, even if a formal site plan review is not required. Responses shall be submitted on company letterhead, signed and dated by the chief executive of the proposed Lyon Township facility.
1. Business name.
  2. Business mailing address.

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3. Business phone no., fax no., and emergency phone no.
  4. If a subsidiary, the name and address of the parent company.
  5. The names and titles of individuals involved in management of the business in Lyon Township.
  6. A detailed description of the business to be located in Lyon Township, including, at minimum, the following information (this information, including the levels of emissions and discharges specified will become a part of the approved site plan, and may be used by the township to monitor compliance with the approved site plan):
    - a. The types of industrial processes to be used.
    - b. The products to be created.
    - c. Identification of chemicals, hazardous substances, flammable or combustible liquids, pesticides, fertilizers, and oil products to be used, stored, or produced.
    - d. Description of the type and maximum level of any air contaminants or air emissions to be produced by the industrial processes, and description of the measures to be taken to protect air quality.
    - e. Description of the type and maximum amount of wastewater to be produced, and description of the measures to be taken to prevent discharge of pollutants into or onto the ground.
    - f. Description of the type and level of noise to be created by the industrial processes, and description of any noise abatement measures to be taken.
  7. If the business is relocating from another municipality, the addresses of previous location(s).
  8. The expected daily hours of operation.
  9. The days of the week when expected to be in operation.
  10. Number of employees expected at the Lyon Township facility.
  11. Indication whether the business has been cited within the past five years, in any form or manner, by any governmental authority for violation of any laws and regulations, including environmental laws and regulations, and indication whether the business had any permits revoked because of noncompliance with governmental regulations, with detailed explanation.
  12. Indication whether, in the past five years, any employees sustained on-the-job disabling injuries or injuries necessitating recovery lasting more than two weeks, or whether any employees have been killed on the job, with detailed explanation.
  13. Indication whether there are any special fire protection devices or measures required by this business, with detailed explanation.
  14. Indication whether there are any special waste treatment procedures or measures required by this business, with detailed explanation.

In the letter containing the above information, the following statement shall be inserted prior to the signature by the chief executive officer of the Lyon Township facility:

I hereby swear or affirm that I have sufficient knowledge concerning the proposed business to provide the information provided herein and that this information is true and accurate. I further swear or affirm that I have the authority to sign this document on behalf of the applicant.

I acknowledge that the information contained in this document is required under the Lyon Township Zoning Ordinance and shall become a part of our site plan review application. I acknowledge that any omission or material misrepresentation as to the information contained herein shall be cause for denial of the



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application, and if the omission or material misrepresentation is discovered subsequent to site plan approval, for revocation of that site plan approval. I acknowledge that any operations of the business that are inconsistent with or in conflict with the information presented herein shall constitute a violation of the Zoning Ordinance, and shall be subject to the penalties and corrective action specified in the Zoning Ordinance.

- M. *Area, height, bulk and placement requirements.* Buildings and uses in the industrial districts are subject to the area, height, bulk and placement requirements in article 36.00, Schedule of Regulations.
- N. *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article 7.00.
- O. *General development standards.* Buildings and uses in the industrial districts shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

<b>Article</b>	<b>Topic</b>
Article 12.00	General Provisions
Article 14.00	Off-Street Parking and Loading
Article 15.00	Landscaping, Screening and Walls
Article 19.00	Site Development Standards
Article 20.00	Performance Standards
Article 36.00	Schedule of Regulations

(Ord. No. 04-13, pt. 5, 11-4-2013; Ord. No. 02-14, pt. 2, 1-6-2014; Ord. No. 10-16, pt. 12, 11-9-2016)

## **Article 34.00 RO RESEARCH OFFICE DISTRICT**

### **Section 34.01. Statement of purpose.**

- A. The intent of the RO research office district is to provide locations in the township to accommodate offices, laboratories, and related "high tech" uses, involved in such activities as engineering, design, research and development, robotics research, prototype development, demonstration and display laboratories, testing laboratories, and other research and high technology activities of similar character and intensity.
- B. It is intended that such uses be located in attractive buildings on amply landscaped, carefully planned sites, preserving significant natural features. Operations that generate high levels of noise, heat or glare, air pollution, odors, wastewater, or truck traffic, are not considered appropriate in this district.

### **Section 34.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned RO research office district, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses, unless otherwise permitted in this Ordinance:
  - 1. Research, development, design, testing, technical training, and related activities for industrial, scientific, educational, and business enterprises.
  - 2. Laboratories for research, development and testing.

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3. Offices for the following occupations: Executive, administrative, and professional, including architecture, planning, engineering and engineering sales, but excluding medical and dental offices.
  4. Data processing and computer centers, including computer programming and software development, training, and service of electronic data processing equipment.
  5. Telecommunications companies engaged in electronic transfer, routing, and processing of information.
  6. Prototype manufacturing facilities for engineering, laboratory, scientific, electronic, and research instruments and equipment.
  7. Essential services, subject to the provisions in section 12.14.
  8. Uses and structures accessory to the above, subject to the provisions in article 18.00.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to the conditions specified for each use; review and approval by the planning commission and township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and the provisions in article 6.00.
1. Medical offices and clinics and medical research facilities.
  2. Corporate education and training facilities.
  3. Accessory retail or service uses that are intended to primarily serve the occupants and patrons of the principal use; provided that, any such uses shall be incidental uses occupying no more than five percent of the floor space in the building in which the uses are located. Permitted accessory retail and service uses shall be limited to the following:
    - a. Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores and pharmacies.
    - b. Personal service establishments that are intended to serve workers and visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops, and similar establishments.
    - c. Restaurants, cafeterias, and other places serving food and beverages for consumption within the building, but excluding drive-in and drive-through service.
    - d. Financial institutions, including but not limited to: Banks, credit unions, and savings and loan associations.
    - e. Corporate fitness centers.
    - f. Child day care centers.
  4. Light industrial uses which have as an accessory function light manufacturing, assembly, fabrication, or machining from processed materials, where such activities involve high technology industrial uses such as, but not limited to: Agricultural technology, biological or pharmaceutical research, software technology, telecommunications, biomedical technology, fluid transfer and handling, defense and aerospace technology, and other emerging high technology industries.
  5. A use having the same character and intensity as those uses listed in this district as either principal permitted uses or special land uses, upon finding that any such proposed use, if permitted, would be consistent with the purpose and intent of the research office district and would not impair the use and development of other nearby properties.

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**Section 34.03. Development standards.**

- A. *Required conditions.* Except as otherwise noted, buildings and uses in the RO research office district shall comply with the following requirements:
  - 1. All business activity shall comply with the performance standards in article 20.00.
  - 2. All business activity shall be conducted within a completely enclosed building, unless otherwise specified. Outdoor storage shall be prohibited, and any storage must be clearly accessory to the principal permitted use.
  - 3. Notwithstanding the limitations on outside storage, commercially used or licensed vehicles used in the normal operation of a permitted use may be parked on the site in the rear only.
  - 4. For the purposes of determining landscaping and architectural design requirements, the yard adjacent to the I-96 freeway shall be considered a front yard.
- B. *Site plan review.* Site plan review and approval is required for all uses in the RO research office district, subject to the requirements in articles 4.00 and 5.00.
- C. *Area, Height, Bulk and Placement Requirements.* Buildings and uses in the RO research office district are subject to the area, height, bulk and placement requirements in article 36.00, Schedule of Regulations.
- D. *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with article 7.00.
- E. *General development standards.* Buildings and uses in the RO research office district shall be subject to all applicable standards and requirements in this Ordinance, including the following:

Article	Topic
Article 12.00	General Provisions
Article 14.00	Off-Street Parking and Loading
Article 15.00	Landscaping, Screening and Walls
Article 19.00	Site Development Standards
Article 20.00	Performance Standards
Article 36.00	Schedule of Regulations

**ARTICLE 35.00 P-1 VEHICULAR PARKING DISTRICT**

**Section 35.01. Statement of purpose.**

The intent of the P-1 vehicular parking district is to provide areas to be used solely for off-street parking as an incidental use to an abutting commercial, office, or industrial use. More specifically, the P-1 district is intended to accommodate the parking needs of businesses which may have developed without adequate parking, or which have the need for additional parking due to business growth, or which have inadequate parking because of shallow lot depth.

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## Section 35.02. Permitted uses and structures.

*Principal uses and structures.* In all areas zoned P-1 vehicular parking district, the land or premises shall be used only for off-street parking, and shall be developed and maintained in accordance with the regulations set forth herein.

## Section 35.03. Development standards.

- A. *Required conditions.* Except as otherwise noted, buildings and uses in the vehicular parking district shall comply with the following requirements:
1. Permitted off-street parking shall be constructed and maintained in accordance with the provisions in article 14.00.
  2. Off-street parking in the P-1 district shall be accessory to, and for use in connection with one or more business, office, or industrial uses, located in an adjoining commercial, office or industrial district.
  3. Permitted off-street parking shall abut a nonresidential zoning district. There may be a private driveway or public alley between the off-street parking and the abutting nonresidential district.
  4. Permitted off-street parking shall be used solely for parking of passenger vehicles for periods of less than one day.
  5. Permitted off-street parking areas shall not be used for off-street loading, outside storage or display, or vehicular repair.
  6. No signs shall be permitted except for signs designating entrances, exits, and conditions of use of the off-street parking area.
  7. No building shall be erected on the premises, except for a shelter for parking attendants, provided the shelter does not exceed ten feet in height.
  8. Notwithstanding the landscaping requirements in article 15.00, off-street parking in the P-1 district need not be screened from the business it is intended to serve.
  9. Side and rear yard screening. A masonry screen wall shall be constructed along any side or rear yard of a P-1 district which abuts a residentially-zoned district, in accordance with section 15.08. In addition, a ten-foot setback shall be provided between the side or rear property line and the edge of the parking lot.
  10. Front yard requirements. Where a P-1 district is contiguous to a residentially-zoned district which has common frontage on the same road, the minimum front yard setback shall be equal to the required front yard setback for the residential district. A landscaped berm shall be required to screen the parking from view of the road, in accordance with section 15.02, subsection C.
- B. *Site plan review.* Site plan review and approval is required for all uses in the vehicular parking district in accordance with article 4.00.
- C. *General development standards.* Buildings and uses in the vehicular parking district shall be subject to all applicable standards and requirements set forth in this Ordinance, including the following:

Article	Topic
Article 12.00	General Provisions
Article 14.00	Off-Street Parking
Article 15.00	Landscaping, Screening and Walls
Article 36.00	Schedule of Regulations

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## ***ARTICLE 36.00 SCHEDULE OF REGULATIONS***

### **Section 36.01. Intent and scope of requirements.**

The purpose of this article is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which the building or use is located. A portion of a lot used to comply with the regulations in this article with respect to one building or use shall not be simultaneously used to comply with the regulations with respect to another building or use.

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**Section 36.02. Schedule of regulations.**

All buildings, uses, and parcels of land shall comply with the regulations set forth in the following Schedule of Regulations and footnotes thereto.

**Section 36.02 - SCHEDULE OF REGULATIONS**

District	Lot Minimum		Maximum Height of Structures <sup>d</sup>		Minimum Setback Requirement (in Feet) <sup>f, z</sup>			Minimum Parking Setback (Feet) <sup>i</sup>		Minimum Usable Floor Area Per Unit (Sq. Ft.)	Maximum Lot Coverage (%)
	Area <sup>a</sup> (Sq. Ft.)	Width (Feet)	In Stories	In Feet	Front Yard	Each Side Yard	Rear Yard	Front Yard	Side & Rear		
R-1.0	43,560 <sup>b</sup>	135 <sup>b, c</sup>	2½	30 <sup>e</sup>	50 <sup>g, aa</sup>	30 <sup>g, h, aa, ee</sup>	75 <sup>g, aa</sup>	75 <sup>j</sup>	—	1,200	20
R-0.5	21,780 <sup>b</sup>	120 <sup>b, c</sup>	2	25	30 <sup>g, aa</sup>	15 <sup>g, h, aa, ee</sup>	60 <sup>g, aa</sup>	40 <sup>j</sup>	—	1,200	25
R-0.3	15,000 <sup>b</sup>	100 <sup>b, c</sup>	2	25	30 <sup>g, aa</sup>	15 <sup>g, h, aa, ee</sup>	50 <sup>g, aa</sup>	35 <sup>j</sup>	—	1,200	25
RM-1	<sup>k</sup>	200	2½	30	40	30 <sup>m</sup>	30 <sup>m</sup>	40 <sup>o, p</sup>	<sup>o, p</sup>	<sup>q</sup>	25
RM-2	<sup>k</sup>	200	2½	30	40	30 <sup>m</sup>	30 <sup>m</sup>	40 <sup>o, p</sup>	<sup>o, p</sup>	<sup>q</sup>	25
MHP	6,000 <sup>l</sup>	50 <sup>l</sup>	2	25	40	30 <sup>n</sup>	30 <sup>n</sup>	40 <sup>o</sup>	<sup>o</sup>	<sup>n</sup>	—
O-1	15,000	100	2	25	75 <sup>cc</sup>	20 <sup>r</sup>	40	<sup>bb, cc</sup>	10 <sup>o</sup>	—	60
B-2	15,000	100	2	30	75 <sup>cc</sup>	20 <sup>r, t</sup>	60	<sup>bb, cc</sup>	10 <sup>o</sup>	—	60
B-3	21,780	120	2	30	75 <sup>s, cc</sup>	20 <sup>r, t</sup>	60	<sup>bb, cc</sup>	10 <sup>o</sup>	—	60
RO	21,780	120	2	45 <sup>dd</sup>	75 <sup>x</sup>	30 <sup>u</sup>	40 <sup>u</sup>	50 <sup>o</sup>	10 <sup>o</sup>	—	60
I-1	21,780	120	—	40	75 <sup>x</sup>	20 <sup>u, w</sup>	40 <sup>u, v</sup>	50 <sup>o</sup>	10 <sup>o</sup>	—	75
I-2	87,120	200	—	45	75 <sup>x</sup>	30 <sup>u, w</sup>	50 <sup>u, v</sup>	75 <sup>o</sup>	10 <sup>o</sup>	—	75
P-1	—	—	—	10	<sup>y</sup>	<sup>y</sup>	<sup>y</sup>	10 <sup>o</sup>	10 <sup>o</sup>	—	—
MU	15,000	100	3	35	<sup>ff</sup>	<sup>ff</sup>	<sup>ff</sup>	<sup>gg</sup>	10		75
NH <sup>hh</sup>											

**FOOTNOTES TO THE SCHEDULE OF REGULATIONS**

- a *Lot area.* "Net lot area", as defined in section 3.02, shall be used to determine compliance with lot area requirements.
- b *Lot requirements with sewers.* Lots served by a sanitary sewer system that has been approved by the township shall comply with the following standards (see section 12.09 for minimum lot frontage):

District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)
R-1.0	35,000	120
R-0.5	17,000	110
R-0.3	12,000	90

- c *Lot depth and proportions.* The minimum lot depth in single-family districts shall be 120 feet. Lot depths of newly created lots in the R-1.0 district shall be no greater than four times the lot width, and lot depths in the R-0.5 and R-0.3 districts shall be no greater than three times the lot width. The township may permit lot splits that vary from these proportions where such action would reduce existing nonconformance with these standards.
- d *Exceptions to height standards.* The height standards shall not apply to certain structures listed in section 12.14, subsection B.
- e *Exceptions to height standards for agricultural uses.* The maximum height of permitted accessory farm buildings which are essential and customarily used in the agricultural operations associated with a bona fide farm (as defined in section 3.02) shall be 45 feet, except that the maximum height of silos shall be 100 feet; provided that all such accessory farm buildings shall be located at least 100 feet from any residential dwelling other than the dwelling on the lot where the accessory farm buildings are located.
- f *Wetlands and watercourse setbacks.* The following setbacks shall be maintained from any protected wetlands and watercourses, as defined in section 3.02.
  - (1) A 25-foot vegetated strip setback shall be provided from the boundary of any protected wetland and from the high-water mark of any watercourse for all office, commercial and industrial developments. No buildings, structures, parking lots, dumpster pads, or other impervious surfaces may be located in this setback, with the exception of a six-foot wide (max. width) sidewalk or boardwalk. The purposes of the 25-foot setback are to provide access to all sides of the building in the interest of public safety, provide access for maintenance of the building and site, and to provide access for protected wetland or watercourse monitoring and protection. While there are no specific landscaping requirements, property owners are encouraged to maintain a "vegetated strip setback" for all office, commercial and industrial developments, which is intended to have a rich diversity of vegetation so as to filter stormwater as it enters the protected wetland or watercourse.
  - (2) A 25-foot vegetative strip and construction and building setback shall be maintained from the boundary of any protected wetland and from the high-water mark of any watercourse for all residential subdivision and condominium projects. The purposes of the 25-foot setback are to provide access to all sides of the building in the interest of public safety, provide access for maintenance of the building and site, prevent elevated water levels from entering homes, and to provide access for protected wetland or watercourse monitoring and protection.

The 25-foot vegetated strip and building and construction setback in subdivision or condominium projects is intended to have a rich diversity of vegetation, so as to filter stormwater as it enters the



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protected wetland or watercourse. No permanent buildings, structures or other permanent site improvements (e.g., sidewalks, boardwalks) shall be placed, nor shall any major construction activity occur in the 25-foot setback. Temporary disturbances, when limited to the minimum amount necessary, may be allowed in the setback when the required setback is located within the boundary of a residential unit/lot. However, this area must be restored to its pre-construction condition. Restrictive use within this 25-foot setback shall be addressed in the master deed or covenants, conditions and restrictions for the development when the 25-foot setback is located within the boundary of a residential unit/lot.

- (3) Notwithstanding the restrictions set forth in items (1) and (2), above, the township engineer may permit grading and stormwater pipes within a 25-foot vegetated strip and building and construction setback, consistent with a stormwater management plan that protects the essential qualities of the wetland.

<sup>8</sup> *Minimum setbacks for nonresidential uses.* Permitted nonresidential uses shall comply with setback requirements set forth in article 19.00 for specific uses. Unless otherwise specified in article 19.00, permitted nonresidential uses shall comply with whichever of the following requirements is greater:

- (1) The minimum setback requirements set forth in the Schedule of Regulations; or  
(2) One and one-half times the height of the building.

<sup>h</sup> *Setback on side yards facing a street.* On corner lots there shall be maintained a front yard along each street frontage.

<sup>i</sup> *Parking setback.* Off-street parking shall comply with the requirements in section 14.01, subsection B.

<sup>j</sup> *Parking in residential districts.* The minimum parking setbacks shall not apply to operable vehicles that are parked in a driveway.

<sup>k</sup> *Minimum lot area in multiple-family districts.* The minimum lot area requirements in the RM-1 and RM-2 districts shall be based on the density standards in section 19.03, subsection A.

<sup>l</sup> *Minimum lot area and width in the MHP district.* The minimum lot area for each unit in a mobile home park shall be 6,000 square feet for single-wide units and 9,000 square feet for double-wide units and the minimum lot width for each unit shall be 50 feet. However, the minimum lot area and lot width requirements may be reduced by 15 percent provided that: 1) the average lot area for the mobile home park as a whole is 6,000 square feet; and 2) for each square foot of land gained through reduction of a lot below 6,000 square feet, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of the mobile home park residents.

<sup>m</sup> *Building setbacks in multiple-family districts.* The minimum distance between any two multiple-family structures erected on the same lot or parcel shall be determined in accordance with section 19.03, subsection A.

<sup>n</sup> *Mobile home park district requirements.* Mobile home parks shall comply with the requirements in section 19.03, subsection C.

<sup>o</sup> *Parking setback adjacent to a residential district.* Off-street parking shall be set back a minimum of 20 feet from any residential district boundary.

<sup>p</sup> *Parking setback in multiple-family districts.* Off-street parking lots in RM-1 and RM-2 districts shall comply with the requirements in section 19.03, subsection A.7.

<sup>q</sup> *Minimum floor space in the RM-1 and RM-2 districts.*

Number of Bedrooms	Required Floor Area (sq. ft.)
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0	500
1	500
2	700
3	900
4	1,000
Each Additional Bedroom	100

<sup>r</sup> *Minimum setback adjacent to a residential use.* Buildings in commercial and office districts shall be set back a minimum of 40 feet from any residential district boundary.

<sup>s</sup> *Modification to front setback requirement.* Where the front setbacks of two or more existing principal permitted structures within 300 feet are less than the minimum required in the Schedule of Regulations, then the planning commission may permit a building subsequently erected within 300 feet to be set back a distance no less than the average of the front setbacks of the existing structures, subject to review and approval of the site plan and provided that:

- (1) Only structures that are located on the same side of the street and in the same zoning district as the proposed use shall be considered.
- (2) Such modification to the front setback requirement shall be permitted only where it would achieve quality site design, maintain continuity in the streetscape, provide adequate views for commercial uses, and achieve functional pedestrian and vehicular circulation.

<sup>t</sup> *Side yard setback in certain commercial areas.* The side yard may be reduced to zero where there is party wall construction if such party wall is composed of fire-proof materials and further that such party wall contains no windows, doors, or other openings. However, if the adjoining property is used for residential purposes, a 40-foot setback shall be provided.

<sup>u</sup> *Minimum setback adjacent to a residential district.* Where an adjacent district is zoned for residential use, buildings in industrial and research office districts shall be set back the minimum distances specified in the following chart:

(1) **I-1 and RO DISTRICTS**

<u>Building Height</u>	<u>Minimum Setback from Residential Zone</u>
15 ft. or less	50 ft.
Over 15 ft.	50 ft., plus 5 additional feet for every one foot over 15 feet in height

(2) **I-2 DISTRICT**

<u>Building Height</u>	<u>Minimum Setback from Residential Zone</u>
15 ft. or less	75 ft.
Over 15 ft.	75 ft., plus 5 additional feet for every one foot over 15 feet in height

<sup>v</sup> *Setback requirements for outside storage.* If permitted, outside storage in any industrial district shall comply with the requirements in section 33.03, subsection A.

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- <sup>w</sup> *Setbacks adjacent to railroads.* Required setbacks may be reduced adjacent to a railroad right-of-way, subject to review and approval of the site plan.
- <sup>x</sup> *Front yard setback in industrial and research office parks.* In industrial park and research office park subdivisions that are designed so that lots face each other on both sides of an internal road, the minimum front yard setback shall be 40 feet, provided that, the required front yard is landscaped in accordance with section 15.03, and shall not contain any off-street parking or loading.
- <sup>y</sup> *Setbacks in the P-1 district.* Off-street parking in the P-1 district shall comply with the requirements in article 35.00.
- <sup>z</sup> *Measurement of setbacks.* On public roads, the required front and external side setback shall be measured from the planned right-of-way line, based on the Master Right-of-Way Plan for County Roads produced by the Road Commission for Oakland County. On private roads, the required front and external side setback shall be measured from the road easement line.
- <sup>aa</sup> *Setback on corner lots.* In the event that setback requirements specified in the Schedule of Regulations cannot be complied with on a parcel located at the intersection of a private road and public road, then the rear yard setback shall be reduced by an amount necessary to allow construction in conformance with the front setback standards, provided that in no case shall the rear yard setback be reduced to less than the side setback standard specified in the Schedule of Regulations.
- <sup>bb</sup> *Setbacks of off-street parking.* Off-street parking shall comply with the setbacks in section 14.01, subsection B.1.b.
- <sup>cc</sup> *Setbacks in commercial and office districts.* If off-street parking is located closer to the front lot line than the principal building, then buildings and structures shall set back at least 75 feet from the front lot line. If no off-street parking is located closer to the front lot line than the principal building, the planning commission may reduce the minimum setback, provided that no building or structure shall be located closer than 40 feet to the front lot line.
- <sup>dd</sup> *Maximum height in the RO district.* The maximum height of 45 feet shall be permitted subject to compliance with the township fire code.
- <sup>ee</sup> *Side yard setback option for single-family residential developments located in all residential zoning districts, planned developments and average lot size developments:*
- (1) To accommodate side entry garages in a conventional single-family residential development, planned development and average lot size development in the R-0.5 and R-0.3 zoning districts, houses may be offset, with a minimum side setback of five feet on one side; provided that the minimum distance between houses shall be 30 feet. For example, the side yard setbacks may be reduced to five feet on one side and 25 feet on the other, 30 feet total. Other combinations may also be permitted. This option shall be permitted only on blocks where, prior to any housing construction, the minimum side setbacks and garage orientation have been designated for every lot on the approved final preliminary plat or site condominium plan.
  - (2) To accommodate side entry garages in a single-family residential planned development or average lot size development in the R-1.0 zoning districts, houses may be offset, with a minimum side setback of 15 feet, provided that the minimum distance between houses shall be 40 feet. For example, the side yard setbacks may be reduced to 15 feet on one side and 25 feet on the other, with 40 feet total. This option shall be permitted only on blocks where, prior to any housing construction, the minimum side setbacks and garage orientation have been designated for every lot on the approved final preliminary plat or site condominium plan.
- <sup>ff</sup> See section 43.03.G.

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<sup>gg</sup> *Front yard minimum parking setback.* No new parking lot shall be created nor any existing parking lot expanded in front of a building.

<sup>hh</sup> For dimensional regulations in the New Hudson District, please see article 41 in this Ordinance.

(Ord. No. 07-12, pt. 2, 10-1-2012; Ord. No. 05-16, pt. 3, 6-6-2016; Ord. No. 10-16, pt. 13, 11-9-2016; Ord. No. 03-17, pt. 11, 6-5-2017; Ord. No. 190-18, § 5, 5-7-2018; Ord. No. 04-20, § 2, 7-6-2020; Ord. No. 13-20, §§ 2, 3, 1-4-2021)

## **ARTICLE 37.00 CONDITIONAL REZONING**

### **Section 37.01. Intent.**

The planning commission and township board have recognized that, in certain instances, it would be an advantage to both the township and property owners seeking rezoning if a site plan, along with conditions and limitations that may be relied upon by the township, could be proposed as part of a petition for rezoning. Therefore, it is the intent of this article to provide an election to property owners in connection with the submission of petitions seeking the amendment of this Ordinance for approval of a rezoning with conditions, per Public Act 110 of 2006, as amended. This is to accomplish, among other things, the objectives of the Zoning Ordinance through a land development project review process based upon the site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

### **Section 37.02. Definitions.**

The following definitions shall apply in the interpretation of this article:

1. *Applicant* shall mean the property owner, or a person acting with the written and signed authorization of the property owner to make application under this article.
2. *Rezoning conditions* shall mean conditions proposed by the applicant and approved by the township as part of an approval under this article, including review and recommendation by the planning commission, which shall constitute regulations for and in connection with the development and use of property approved with a rezoning condition in conjunction with a rezoning. Such rezoning conditions shall not authorize uses or developments of greater intensity or density and which are not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the CR agreement), and may include some or all of the following:
  - a. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features shown on the CR plan.
  - b. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation and the like.
  - c. Preservation of natural resources and/or features.
  - d. Facilities to address drainage/water quality.
  - e. Facilities to address traffic issues.
  - f. Preservation of open space.
  - g. A written understanding for permanent maintenance of natural resources, features, and/or facilities to address drainage/water quality, traffic, open space and/or other features or

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- improvements; and, provision for authorization and finance of maintenance by or on behalf of the township in the event the property owner(s) fail(s) to timely perform after notice.
- h. Signage, lighting, landscaping, and/or building materials for the exterior of some or all structures.
  - i. Permissible uses of the property.
  - j. Protection of township land from annexation.
  - k. Preservation of historic farms, barns and other buildings to preserve the history of Lyon Township.
  - l. Donation of land for open space, using a land conservancy or other means, to protect the open space for future generations.
  - m. Paving, making substantial improvements to, or funding of improvements to major township roads where the entire township benefits.
  - n. Construction and/or donation of community buildings where the need has been identified and defined by the township.
  - o. Preservation of a rural view shed which is an undeveloped area adjacent to the road right-of-way, having a depth of at least 200 feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating landforms, and scenic vistas, are preserved and incorporated into the landscape.
  - p. Provide usable and contiguous open space amounting to at least 40 percent of the site, using the concept of clustering.
  - q. Added landscaping, above and beyond what is required by township ordinance.
  - r. Reclamation and re-use of land, where previous use of land causes severe development difficulties, or has caused blight.
  - s. Installation of streetscape on an arterial road, beyond what is required by ordinance, and where compatible with township guidelines concerning trees, streetlights and landscaping.
  - t. Drain and drainage improvements, beyond what is required by ordinance, using best management practices.
  - u. Providing monuments or other landmarks to identify township boundaries.
  - v. Such other conditions as deemed important to the development by the applicant.
3. *CR agreement* shall mean a written agreement approved and executed by the township and property owner, incorporating a CR plan, and setting forth rezoning conditions, conditions imposed pursuant to Public Act 110 of 2006, as amended, and any other terms mutually agreed upon by the parties relative to land for which the township has approved a rezoning with rezoning conditions. Terms may include the following:
- a. Agreement and acknowledgment that the rezoning with rezoning conditions was proposed by the applicant to induce the township to grant the rezoning, and that the township relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the CR agreement; and, further agreement and acknowledgment that the conditions and CR agreement are authorized by all applicable state and federal law and constitution, and that the agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the township.
  - b. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the CR plan and CR agreement.

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- c. Agreement and understanding that the approval and CR agreement shall be binding upon and inure to the benefit of the property owner and township, and their respective heirs, successors, assigns and transferees.
  - d. Agreement and understanding that, if a rezoning with rezoning conditions becomes void in the manner provided in this article, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
  - e. Agreement and understanding that each of the requirements and conditions in the CR agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with rezoning conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
4. *CR plan* shall mean a plan of the property which is the subject of a rezoning with rezoning conditions, prepared by a licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the CR plan shall be determined by the applicant, subject to approval of the township board after recommendation by the planning commission.

### **Section 37.03. Authorization and eligibility.**

- A. *Application for optional conditional rezoning.* A property owner shall have the option of making an election under this article in conjunction with a submission of a petition seeking a rezoning. Such election may be made at the time of the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning. The election shall be made by filing an application conforming with this article for approval of a conditional rezoning that would establish site-specific use authorization if the petition for rezoning is granted. Such election shall be to seek a rezoning with rezoning conditions pursuant to Public Act 110 of 2006, as amended, which would represent a legislative amendment of the Zoning Ordinance.
- B. *Site specific regulations.* In order to be eligible for the proposal and review of a rezoning with rezoning conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR plan and in a CR agreement to be prepared) which are, in material respects, equally or more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, such as set forth in subsections a through v of the definition of the "rezoning conditions," above.

### **Section 37.04. Approval of rezoning with rezoning conditions.**

Pursuant to Public Act 110 of 2006, as amended, the township board, following public hearing and recommendation by the planning commission, may approve a petition for a rezoning with rezoning conditions requested by a property owner.

- A. *Required information.* As an integral part of the conditional rezoning, the following shall be reviewed and may be approved:
  1. *CR plan.* A CR plan, with such detail and inclusions proposed by the applicant and approved by the township board in accordance with this article, following recommendation by the planning commission. The CR plan shall not replace the requirement for site plan review and approval, or subdivision or condominium approval, as the case may be.
  2. *Statement of rezoning conditions.* Rezoning conditions, as defined for purposes of this article, which shall be required by the township board following recommendation by the planning

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commission. Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the CR agreement).

3. *CR agreement.* A CR agreement, which shall be prepared by the township attorney and the applicant (or designee) and approved by the township board, and which shall incorporate the CR plan and set forth the rezoning conditions, together with any other terms mutually agreed upon by the parties (including the minimum provisions specified in the definition of CR agreement, above).
- B. *Zoning map designation.* If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR conditional rezoning". The zoning map shall specify the new zoning district plus a reference to "CR" (for example, the district classification for the property might be RM-1 low-rise multiple-family with CR, conditional zoning, with a zoning map designation of RM-1/CR) and use of the property so classified and approved shall be restricted to the permission granted in the CR agreement, and no other development or use shall be permitted.
- C. *Use of property.* The use of the property in question shall, subject to subsection C.1 below, be in total conformity with all regulations governing development and use within the zoning district to which the property has been rezoned, including, without limitation, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:
  1. *Development subject to conditional rezoning requirements.* Development and use of the property shall be subject to the more restrictive requirements shown or specified on the CR plan, and/or in the other conditions and provisions set forth in the CR agreement, required as part of the conditional rezoning approval, and such CR plan and conditions and CR agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
- D. *Review and approval criteria.* The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR plan, rezoning conditions, and CR agreement:
  1. *Enhancement of the project area.* Approval of the application shall accomplish, among other things, and as determined in the discretion of the township board, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the requested zoning change, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a conditional rezoning.
  2. *In the public interest.* Sufficient conditions shall be included on and in the CR plan and CR agreement on the basis of which the township board concludes, in its discretion, that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with rezoning conditions; provided, in determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the township board, following recommendation by the planning commission, and also taking into consideration the special knowledge and understanding of the township by the township board and planning commission.
- E. *Expiration.* Unless extended by the township board for good cause, the rezoning with rezoning conditions shall expire following a period of two years from the effective date of the rezoning unless construction on the development of the property pursuant to the required permits issued by the

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township commences within such two-year period and proceeds diligently and in good faith as required by ordinance to completion.

1. *Extension of approval.* In the event the development has not commenced, as defined above, within two years from the effective date of the rezoning, the conditional rezoning, and the CR agreement shall be void and of no effect. The property owner may apply to the township board for a one-year extension one time. The request must be submitted to the township clerk before the two-year time limit expires. The property owner must show good cause as to why the extension should be granted.
  2. *Violation of the CR agreement.* If development and/or actions are undertaken on or with respect to the property in violation of the CR agreement, such development and/or actions shall constitute a nuisance per se. In such cases, the township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR agreement, the township may withhold, or following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.
- F. *Township action upon expiration.* If the rezoning with rezoning conditions becomes void in the manner provided in B. above, then the township shall rezone the property in accordance with the Zoning Ordinance procedures. Until such a time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

### **Section 37.05. Procedure for application, review and approval.**

- A. *Pre-application meeting.* Prior to the time of making application for a conditional rezoning, the applicant shall schedule a pre-application submission meeting with the township superintendent, the township planner, the township engineer, the township building official, the township attorney, or their designees, for a preliminary review of the application for conditional rezoning and so that the applicant has a thorough understanding of the process. The applicant shall pay the township's costs and expenses incurred for this meeting.
- B. *Offer of conditions.* At the time of making application for amendment of this Ordinance seeking a rezoning of property, or at least a later time during the process of township consideration of such rezoning a property owner may submit an application for approval of a conditional rezoning to apply in conjunction with the rezoning.
- C. *Application.* The application, which may be amended during the process, shall include a CR plan proposed by the applicant and shall specify the rezoning conditions proposed by the applicant, recognizing that rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.
- D. *Notice of public hearing.* The proposed rezoning with rezoning conditions, together, shall be noticed for public hearing before the planning commission as a proposed legislative amendment to the Zoning Ordinance.
- E. *Planning commission recommendation.* Following the public hearing and further deliberations as deemed appropriate by the planning commission, the planning commission shall make a recommendation to the township board on the proposed rezoning with rezoning conditions.
- F. *Township board action.* Upon receipt of the recommendation of the planning commission, the township board shall commence deliberations on the proposed rezoning with rezoning conditions. If the township board determines that it may approve the rezoning with rezoning conditions, the township board shall specify tentative conditions and direct the township attorney to work with the applicant in the development of a proposed CR agreement.



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**Section 37.06. Effect of approval.**

Approval of the CR plan and agreement confirms only the rezoning of the property, subject to any conditions imposed as reflected in the CR plan and after recordation as set forth in section 37.08. Approval of the usual site plan shall be required before any improvements to the property may be undertaken.

**Section 37.07. Amendment of CR agreement.**

Amendment of a CR agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with rezoning conditions.

**Section 37.08. Recordation of CR agreement.**

A rezoning with rezoning conditions shall be come effective following publication in the manner provided by law, and, after recordation of the CR agreement, whichever is later.

**Section 37.09. Fee.**

The applicant for a rezoning with rezoning conditions shall pay as a fee the township's costs and expenses incurred by the township in the review of any preparation of documents for a rezoning with rezoning conditions. An escrow shall be established in an amount specified by township board resolution, and additional reasonable amounts shall be contributed as required in order to complete the process of review and approval. Any unexpended amounts from such escrow shall be returned to the applicant.

***Article 38.00 DEVELOPMENT RIGHTS PROGRAM***

**Section 38.01. Intent.**

This article is adopted pursuant to Section 508 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, and provides for establishing a purchase of development rights program by and in the Charter Township of Lyon.

The Charter Township of Lyon has found that:

1. The township contains lands that are particularly well-suited for farming, contain woodlands, wetlands, and open lands, and combinations thereof, that contribute to the aesthetic, environmental and economic value of the community.
2. These lands are a valuable and irreplaceable natural resource. When these lands are converted to residential or other urban uses an important community resource is permanently lost.
3. The township is experiencing development pressure because of its location at the western edge of Oakland County and the metro Detroit area. Many of the same characteristics that make the township desirable to current and future residents, such as the presence of farms, open space, woodland, wetlands and wooded wetlands, are the very characteristics that are often lost to development.
4. It is the desire of the township to protect and preserve farm land, open space and natural areas. These desires are set forth in the adopted master plan of the township, and are implemented through the ordinances adopted by the township.
5. To reinforce and supplement the desires, goals and policies of the township as expressed and provided in the master plan and ordinances, this article will provide another tool for the township officials in

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their ongoing efforts to provide for a safe, healthy, harmonious, well-balanced, environmentally sensitive, and aesthetically pleasing environment for residents of the township.

6. The permanent acquisition by the township of development rights to farm land, open space and natural areas will provide the opportunity to retain their current uses and provide for the long term protection of public interests which are served by the existence of farm land, open spaces and natural areas in the township.
7. The above are all examples of the public benefits that the township is seeking through purchase of development rights.
8. This article has been created to provide for the establishment, financing and administration of a purchase of development rights program to protect farm land, open space, natural areas, and other areas of eligible land as defined herein, in accordance with Public Act 110 of 2006, as amended.

### **Section 38.02. Definitions.**

For the purposes of this article, the following definitions shall apply:

1. *Conservation value*: The agricultural, natural, open space, scientific, biological and ecological values of a parcel of property that are found to be worthy of protection.
2. *Development*: An activity that materially alters or affects the existing conditions or use of any land.
3. *Development rights*: The rights to develop land to the maximum intensity of development authorized by law.
4. *Development rights easement*: A grant, by a legal instrument, whereby an owner relinquishes to the public the right to develop the land except as expressly reserved in the instrument, and which contains a covenant running with the land describing the easement terms, conditions and development rights.
5. *Full ownership*: Fee simple ownership, or outright ownership of real property, including the ownership of all aspects of title, including the ability to transfer the totality of the title.
6. *Intensity of development*: The height, bulk, area, density, setback, use and other similar characteristics of development.
7. *Other eligible land*: Land that has a common property line with agricultural land from which development rights have been purchased and that is not divided from that agricultural land.
8. *Owner*: The party or parties who has/have legal title to or an equitable interest in the property.
9. *Parcel*: A measured portion of land that is described by virtue of a proposal to include the parcel in an agreement to acquire or transfer development rights, in accordance with the provisions of this Ordinance.
10. *Permitted use*: Any use reserved within a development rights easement essential to the farming operation thereon or which does not alter the open space character of the land.
11. *Value of development rights*: The difference between the fair market value of full ownership of the land (excluding buildings thereon) and the fair market value of the rights being purchased plus any residential development rights to be retained by the owner.

### **Section 38.03. Eligibility, application and required information.**

- A. *Eligible lands*. Lands that may be considered for purchase of development rights shall exhibit at least one of the following characteristics:

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1. Are currently used for agricultural and farming, or have been used for such uses in the past and may immediately be returned to active agricultural and farming use.
  2. Contain woodland, trees, tree stands or wooded habitat.
  3. Contain wetland.
  4. Contain 100-year floodplain, natural watercourse, lake or pond, or shoreline of a lake or pond.
  5. Are currently open and void of all manmade structures such as dwellings, barns, garages, sheds, buildings, paved or unpaved roads or drives, and debris. Lands which contained such structures in the past may be eligible but only if all such structures have been removed prior to consideration and the land is open and void at the time of consideration. A special exception can be made by the township board, upon the recommendation of the superintendent and planner, and the planning commission, to consider land which contains historic structures that have significance to the township overall.

**B. *Application.***

1. Any person may apply to the township for purchase of the development rights of his/her/their land. A person may apply by providing a request in writing accompanied by the required information as set forth herein. Application forms may be provided by the township and shall be used if available. Any application and review fees as required by resolution by the township board shall be paid at the time of application. The act of filing an application provides no assurance of approval and subsequent purchase of development rights.
2. The township may initiate the purchase of development rights by directing the township superintendent and township planner to explore the possibility of purchasing the development rights from a specific parcel. Such exploration shall include identification of the property owner, determining the owner's willingness to work with the township, and conducting an informal evaluation as to whether the property could be eligible and could meet the standards herein. If the exploration work finds that purchase of the development rights is possible, the township superintendent shall prepare or make arrangements for the preparation of a complete application as set forth herein. The township is not obligated to further pursue a self-initiated application, nor is the township obligated to approve or subsequently purchase the development rights.

**C. *Required information.*** The following information is necessary and shall be provided for review by an applicant when considering any land for purchase of development rights:

1. Parcel identification number, legal description and parcel size.
2. Copy of the title and deed to the property.
3. Identification of all rights-of-way or easements on the property.
4. Complete ownership information including a certification that the interests of all joint tenants, financial institutions and any party with an interest in the property are disclosed.
5. Property value data including assessed value and estimated market value.
6. Existing land use on and adjacent to the parcel.
7. Identification of the significant natural features (wetlands, woodlands, trees, ponds, streams, rivers, habitat containing endangered or threatened species or species of special concern, etc.).
8. Identification of known environmental concerns on the property (e.g., evidence of buried waste, soil contamination, ground or surface water contamination, etc.).
9. Survey of property by registered surveyor indicating parcel boundaries, location of buildings, walls, shelters, fences, bridges, trails, roads and other built features.

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10. Type of development rights to be purchased (e.g., fee ownership, undivided interest, conservation restriction, retained life estate, reversionary interest).
  11. Description of any rights the owner wishes to retain.
  12. Identification and explanation of mineral, oil and gas, or water rights that may exist.

#### **Section 38.04. Authorization.**

- A. The township board may purchase the development rights of land from willing homeowners in the Charter Township of Lyon that is or was farm land, open space, or natural areas as defined herein as intended by this article. The property interest acquired may be either the development rights, or any lesser interest, easement, covenant or other contractual right. Purchase of development rights under this article may not be accomplished through condemnation. Participation in this program by a landowner shall be voluntary; the township shall have no authority to force a landowner to participate.
- B. The township board is further authorized to participate, partner or contract with public, private or nonprofit land conservation organizations or trusts to purchase, administer and enforce the rights obtained by the township under the PDR program.

#### **Section 38.05. Review procedures.**

- A. *Superintendent and planner review and recommendation.* It shall be the responsibility of the township superintendent and township planner to determine the completeness of an application. For complete applications, the superintendent and planner shall prepare a written report to the planning commission describing the case and providing a recommendation regarding the following:
  1. Whether to purchase development rights.
  2. Which development rights to purchase.
  3. The intensity of development permitted after the purchase of the land which the development rights are purchased.
  4. The price at which development rights will be purchased and the method of payment.
  5. The procedure for ensuring that the purchase or sale of the development rights is fixed so as to run with the land.

In preparing their report, the superintendent and planner may consult with any other staff, consultants, agencies, and experts that may be necessary.

- B. *Planning commission review and recommendation.* The planning commission shall review the application and written reports provided by the superintendent and planner. Upon completing its review, the planning commission shall make a recommendation to the township board based upon its findings and the requirements and standards in this article as well as the goals, policies and objectives of the township expressed in the master plan and adopted ordinances. A public hearing may be called by the planning commission, in which case the hearing shall be noticed in accordance with the procedures set forth in article 4.00 of this Ordinance and the planning commission's recommendation shall be made only after the public hearing has been held. The planning commission shall recommend that the township board purchase the development rights or does not purchase the development rights, and shall include comment regarding the financing mechanism to purchase the development rights if recommended for purchase.
- C. *Township board review and action.* The township board shall review the application (which may be provided to the board in summary), written reports (which may be provided to the board in summary), and planning commission recommendation. Upon completing its review, the township board shall decide whether to

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purchase the development rights of the property under consideration or not, and shall decide on the financing mechanism in which to purchase the development rights if the decision is to purchase. The decision of the township board is discretionary; the findings and recommendations by the superintendent and planner, and the planning commission, shall not obligate the township board to purchase or not purchase development rights.

### **Section 38.06. Approval and conditions.**

- A. *Standards for approval.* When considering the purchase of development rights under the procedures set forth in this article, the following standards shall be followed for approving, modifying or rejecting an application to purchase development rights:
1. *Eligible lands.* Only those parcels of land that meet or exceed the eligibility criteria as set forth in this article may be considered for purchase of development rights.
  2. *Eligible rights.* The township shall only purchase the rights to develop the land to the maximum intensity of development for the current zoning designation of the land at the time this article was adopted.
  3. *Reserved.*
  4. *Purchase price and method of payment.* The purchase price of the development rights shall be equal to or less than the appraised value of the development rights less the agricultural rights and specifically retained development rights. The method of payment shall be determined in advance of the purchase of development rights and any approvals or procedural requirements related to the method of payment must be secured separately and prior to the purchase of the development rights or made a condition to the approval thereof.
  5. *Conformance with PDR concept.* The purchase of the development rights being considered shall be consistent with and promote the intent of the purchase of development rights concept, as well as with the specific standards and requirements set forth herein.
  6. *Compatibility with master plan.* The purchase of the development rights being considered shall be compatible with the general principals, goals, objectives and policies set forth in the adopted master plan.
  7. *Farm land preservation, open space preservation and/or natural area preservation.* The purchase of the development rights shall accomplish one or more of the following:
    - a. Preservation of farm land from being developed with another use, enabling land to continue in agricultural or farm use.
    - b. Preservation of open space for the visual, scenic, active recreation, or passive recreation enjoyment of township residents.
    - c. Preservation of a natural area and furthering the possibility of growth, wildlife habitat and restoration of that natural area in the future.
  8. *Purchase agreement.* The purchase of the development rights shall be accomplished by a purchase agreement, or other equivalent instrument, that fixes the transaction so as to run with the land and is recorded with the register of deeds.
  9. *Conformance to all applicable regulations.* The application shall be made, and the purchase of development rights shall be carried out, in conformance with all applicable federal, state and local laws and regulations.

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- B. *Conditions of approval.* Any purchase of development rights made through this purchase of development rights program shall be set forth in a written agreement that is in recordable form suitable for recording. The purchase agreement shall specify the conditions of approval, including the following, at minimum:
1. *Runs with the land.* The purchase agreement shall state that the conveyance of the development rights shall run with the land.
  2. *Rights retained by owner.* The purchase agreement shall state the provisions by the owner to retain certain rights, including a detailed description of the retained rights, the right to convey the retained rights, and maintaining existing structures.
  3. *Prohibited activities.* Any activity on or use of the property that is inconsistent with the purposes of this article or detrimental to the values being preserved is prohibited. By way of example, the following activities and uses are prohibited:
    - a. Any division or subdivision of the property.
    - b. Commercial or industrial use (for purposes of this provision, farming and agricultural use shall not be considered commercial or industrial).
    - c. Placement or construction of any buildings, structures, fences, walls, roads, parking lots or other improvements, unless expressly permitted.
    - d. Cutting of trees or vegetation, unless expressly permitted.
    - e. Mining or alteration of the land surface, except where mineral rights have been retained by another owner and where the other owner has explicit rights to mine on the property as previously disclosed in the application review process.
    - f. Dumping of waste or other materials.
    - g. Alteration to natural watercourses, wetlands or other natural water feature.
    - h. Use of motorized off-road vehicles such as snowmobiles, all-terrain vehicles, motorcycles and the like.
    - i. Construction of billboards and other advertising signs.
  4. *Monitoring and enforcement.* The purchase agreement shall provide the township or its agent with certain rights needed to monitor the protection of the rights purchased. These rights shall include:
    - a. The right to enter the property at reasonable times to monitor or enforce compliance with the conditions of approval and the purchase agreement. The township, however, shall not unreasonably interfere with the owner's retained rights on the property.
    - b. The right to prevent any activity or use of the property that is inconsistent with the conditions of approval and the purchase agreement.
    - c. The right to require restoration of the areas or features of the property that are damaged by activity inconsistent with the conditions of approval and the purchase agreement. The township or its agent shall also have the right to conduct studies on the property to determine appropriate types of restoration activities if necessary.
    - d. The right to place signs on the property to indicate that the property is being protected under the terms of a PDR program.
  5. *Enhancement.* The purchase agreement may provide the township with the right to engage in activities that restore the biological and ecological integrity of the property. Such activities may include inventorying plant and animal species on the property, planting native vegetation, removal of undesirable vegetation, etc.

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- C. *Repurchase of rights.* Development rights acquired pursuant to this program shall be held in trust for an indefinite period of time by the township or by a land conservation organization or trust. Where the township holds an interest in the land and the township board finds that, due to changing circumstances, the original intent of the purchase can no longer be achieved, then the township board may act to dispose of the township's interest in the land. Disposition may be accomplished by transfer to a land conservation or trust or by sale. If the disposition is by sale, then the township shall submit to the voters a proposition to approve the disposition of interest in the land. If a majority of those voting approve such proposition, then the township board shall cause an appraisal to be made in the same manner as the initial appraisal. The owner of the land from which the development rights were acquired, or his/her successor, shall be giving the right of first refusal to repurchase the development rights for an amount not less than the appraised value. Proceeds from the sale of development rights shall be held by the township to only fund the continuing activities of the program and for no other purpose.

(Ord. No. 190-18, § 4, 5-7-2018)

### **Section 38.07. Financing.**

The township board shall finance the PDR program through one or more of the sources identified in Section 509(1) of Public Act 110 of 2006, as amended, including: General appropriations by the township; proceeds from the sale of development rights by the township subject to Section 508(3) of Public Act 110 of 2006, as amended; grants; donations; bonds or notes issued under Sections 509(2)—(5); general fund revenue; special assessments under Section 509(6); and other sources approved by the legislative body and permitted by law.

## ***ARTICLE 41.00 NEW HUDSON ZONING DISTRICT<sup>3</sup>***

### ***CHAPTER 1. ADMINISTRATION***

#### **Section 41.101. Statement of purpose.**

The purpose of the New Hudson Zoning District is to create regulations for the design of new development or redevelopment in the area of Lyon Township known as New Hudson. The regulations in this article require development to have a physical form that complements the historic nature of existing development. Specifically, these regulations encourage a pedestrian-friendly and walkable character; permit a mixture of land uses; encourage streets that serve the needs of pedestrians, bicycles, and motorized vehicle traffic equitably; encourage places for informal social activity and recreation; and encourage building frontages that define the public space of streets. With proper physical form, a building can accommodate a wide range of uses without generating undue impact on neighboring properties or the area as a whole.

It is further the purpose of the New Hudson Zoning District to:

- A. Create a core area that maintains the traditional physical form of a historic hamlet.
- B. Create a unique, walkable mixed use district that includes residential, retail, entertainment, office, and other compatible uses.

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<sup>3</sup>Editor's note(s)—Ord. No. 03-14, pts. 3, 4, adopted Jan. 7, 2014, repealed the former Art. 41.00., §§ 41.01—41.07, and enacted a new Art. 41.00 as set out herein. The former Art. 41.00 was entitled "TC Town Center Overlay District".

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- C. Encourage shared parking areas throughout core and edge sub-areas rather than requiring each commercial property owner to provide physical parking space on their property.
  - D. Create quantitative and qualitative building design guidelines that ensure new development is compatible with the historic character of the hamlet.
  - E. Ensure that permitted uses complement each other in terms of character and location, and to ensure that uses in the New Hudson Zoning District do not have an adverse impact on the overall economic and social vitality of the hamlet, street capacity, public utilities or services, or the overall image and function of the district.
  - F. Prevent automobile-oriented development from achieving the goal of a walkable hamlet.

(Ord. No. 03-14, pt. 4, 1-7-2014)

### **Section 41.102. Instructions.**

- A. *Application of requirements.* The provisions of this article are activated by "shall" or "must" when required, "should" or "encouraged" when recommended, and "may" when optional.
- B. *Applicability to sub-areas.* The regulations herein shall apply to the core, edge, and neighborhood sub-areas of the New Hudson Zoning District unless specifically noted otherwise herein.
- C. *Conflict.* Wherever there is or appears to be a conflict between the regulations of this article and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this article shall prevail. For development standards not addressed in this article, the other applicable sections of this Zoning Ordinance shall be used as the requirement.

(Ord. No. 03-14, pt. 4, 1-7-2014)

### **Section 41.103. New Hudson Zoning District sub-areas.**

The location of the core, edge, and neighborhood sub-areas within the New Hudson Zoning District are shown on the Charter Township of Lyon Zoning Map. These sub-areas are characterized as follows:

- A. *Core.* The core sub-area is located in the heart of the New Hudson Zoning District, and is the focus of activity and attention in the hamlet. The core sub-area contains the most intensive development in the hamlet while using traditional design concepts that promote its historic character. The uses within the core sub-area consist primarily of retail and office, but may include upper story residential on top of commercial uses and live-work units.
- B. *Edge.* The edge sub-area, which is generally located east of the core sub-area, encourages a wide variety of land uses, such as residential, commercial, industrial, and civic uses. While mixing land uses has the potential to highlight incompatibilities, it is also an opportunity to incorporate superior design elements in a way that fosters the sustainability and success of mixed land uses. As the edge sub-area develops and redevelops, special attention must be paid to how mixed uses relate to one another as well as the New Hudson Zoning District as a whole.
- C. *Neighborhood.* A successful downtown requires sufficient population to partake of the services offered by the businesses. The New Hudson Zoning District accommodates this need by designating the neighborhood sub-area, which allows residential development of up to 14 units per acre. The neighborhood sub-area also encourages commercial uses that are compatible with residential uses.

(Ord. No. 03-14, pt. 4, 1-7-2014)



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**Section 41.104. Approval process.**

- A. *Site plan approval.* Site plan approval shall be required in accordance with the requirements of article 5.00, and shall follow the procedures established therein.
- B. *Special land use approval.* Any development that contains a use requiring special land use approval shall be reviewed following the procedures and review criteria of article 6.00. However, the planning commission shall be the sole approving authority, and review by the township board is not required.

(Ord. No. 03-14, pt. 4, 1-7-2014)

**Section 41.105. Modifications to existing development.**

- A. *Expansions of developed sites.* The following regulations apply to proposals to expand an existing development:
  - 1. *Twenty-five percent or less of existing condition.* Any development activity on a developed site that would increase the floor area of the existing principal building or the total floor area of all accessory structures by 25 percent or less need not comply with the requirements of this article. However, any new building area shall result in the site being more compliant, and shall not result in the site being less compliant with the requirements of this article.
  - 2. *More than 25 percent of existing condition.* Whenever an expansion results in the principal building floor area or the total floor area of all accessory structures increasing by more than 25 percent, the structure shall comply with all of the dimensional requirements of this article.
  - 3. *Expansions measured cumulatively.* For the purposes of determining compliance with this section, expansions shall be measured cumulatively, with the baselines being the principal building floor area and total floor area of the accessory structures that existed at the date of adoption of this Ordinance.
- B. *Redevelopment.* The following regulations apply to proposals to demolish and replace all or a portion of an existing development:
  - 1. Whenever 50 percent or less of the gross square footage (measured at the exterior walls) of an existing building will be demolished or replaced, the development activity need not comply with the requirements of this article. However, any site layout or building design changes that occur as a result of the development activity shall result in the site being more compliant with the requirements of this article.
  - 2. Whenever more than 50 percent of an existing building will be demolished or replaced, the development activity shall comply with all of the requirements of this article.

(Ord. No. 03-14, pt. 4, 1-7-2014)

**CHAPTER 2. PERMITTED USES**

The following uses are or may be permitted in the New Hudson Zoning District. If a use is not listed in the following table, it is not permitted in the New Hudson Zoning District. The boundaries of the core, edge, and neighborhood sub-areas are shown on the Regulating Plan/Zoning Map (Map 1).

Key:	■ Principal Permitted Use	□ Special Land Use	[—] Use Not Permitted
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- Code of Ordinances  
Chapter 48 - ZONING  
ARTICLE 41.00 - NEW HUDSON ZONING DISTRICT  
CHAPTER 2. PERMITTED USES

USE	SUB-AREA			DESIGN STANDARD
	CORE	EDGE	NEIGHBORHOOD	
<b>SECTION 41.201 RESIDENTIAL USES</b>				
Apartments, Ownership and Rental, Ground Story	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maximum density: 12 units/acre
Apartments, Ownership and Rental, Upper Story	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Maximum density: 12 units/acre
Accessory Uses	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Bed and Breakfast	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Subsection 19.02.G
Home Occupations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Section 12.05
Live-Work Unit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	—	<ul style="list-style-type: none"> <li>• Living quarters must be above the business</li> <li>• Commercial space may not be used for residential</li> <li>• Compliance with Building and Fire Codes</li> </ul>
Manufactured Housing, not including mobile home parks	—	—	<input checked="" type="checkbox"/>	Section 12.04
Model Home for Sales Promotion	—	—	<input type="checkbox"/>	Subsection 19.03.E
Multifamily Residential	—	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Maximum density: 14 units/acre
Nursing/Convalescent	—	<input type="checkbox"/>	<input type="checkbox"/>	Subsection 19.02.V
Private Swimming Pools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Senior Housing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Subsection 19.03.D
Single-Family Attached Dwellings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Maximum density: 12 units/acre
Single-Family Detached Dwellings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Maximum density: 8 units/acre
State Licensed Residential Facility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>SECTION 41.202 COMMUNITY AND INSTITUTIONAL USES</b>				
Assembly Halls and Similar Uses	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	—	
Business, Vocational, Arts Schools/Colleges	<input type="checkbox"/>	<input checked="" type="checkbox"/>	—	
Cemeteries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Subsection 19.02.I
Municipal Buildings and Uses	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

- Code of Ordinances  
 Chapter 48 - ZONING  
 ARTICLE 41.00 - NEW HUDSON ZONING DISTRICT  
 CHAPTER 2. PERMITTED USES

Nursery Schools and Day Care Centers	—	■	■	Subsection 19.02.O
Offices, Municipal	■	■	■	
Open Space Preservation	■	■	■	
Private Indoor Recreation Facilities	□	□	—	Subsection 19.02.Z, except that the use shall comply with the setback requirements in subsection 41.303.A, regardless of the adjoining uses
Private Outdoor Recreation Facilities	□	□	□	Subsection 19.02.Z, except that the use shall comply with the setback requirements in subsection 41.303.A, regardless of the adjoining uses
Private Service Clubs and Organizations	■	■	□	
Public, Parochial, or Private Elementary, Intermediate and High Schools	■	■	■	
Public or Private Colleges or Universities	—	■	—	
Public Parks, Parkways and Recreation Facilities (Outdoor or Indoor)	■	■	■	
Religious Institutions	■	■	■	Subsection 19.02.AA
<b>SECTION 41.203 COMMERCIAL, OFFICE AND RETAIL USES</b>				
Agricultural Sales and Services	—	□	—	
Arcades	■	■	—	
Art and Photography Gallery	■	■	□	
Brewpub	■	■	—	Subsection 19.02.MM
Commercial Kennels	—	—	—	
Drive-through Business	□	□	—	Subsection 19.02.K
Electric Data Processing	■	■	—	

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 CHAPTER 2. PERMITTED USES

Enclosed Theaters, Movie Theaters	■	■	—	3 or fewer screens permitted, more than 3 screens prohibited
Financial Institutions	■	■	—	
Funeral Homes or Mortuaries	□	■	—	Subsection 19.02.M
Gas or Filling Station	—	□	—	Subsection 19.02.E
General Office Buildings and Uses	■	■	—	
Home Occupations	□	□	■	
Hotel or Motel	■	■	—	Subsection 19.02.U
Landscaping Contractor Facility	—	□	—	Subsection 33.03.C
Laundry and Dry Cleaning	■	■	—	
Medical and Dental Clinics or Offices	■	■	□	Section 12.05
Microbreweries	—	—	—	
Open-Air Display and Sales (Home and Garden)	□	□	—	Subsection 19.02.X
Personal Fitness Center or Health Club	■	■	—	
Personal Service Establishments	■	■	—	
Private Kennels	—	—	—	
Restaurant:				
Carry-out	■	■	—	
Drive-in or drive-through	—	□	—	Subsection 19.02.K; Drive-in and drive-through restaurants shall be permitted only along Lyon Center Drive - East, between the Huron Valley Trail and Grand River Avenue.
Sit down	■	■	—	
Sidewalk cafe; or outdoor patio	■	■	—	
Retail Businesses (Commodities)	■	■	—	Must be less than 25,000 square feet if located in core sub-area

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 ARTICLE 41.00 - NEW HUDSON ZONING DISTRICT  
 CHAPTER 2. PERMITTED USES

Retail (Comparison Goods)	■	■	—	Must be less than 25,000 square feet if located in core sub-area
Sales, Recreational Vehicles	—	□	—	Subsection 19.02.HH
Small Distillers	■	■	—	Section 19.02.OO
Small Wine Makers and Hard Cider Producers	■	■	—	Section 19.02.NN
Studio (dance, martial arts, art and photo, music, etc.)	■	■	—	
Vehicle Repair:				
Major	—	□	—	Subsection 19.02.E
Minor	—	□	—	Subsection 19.02.E
Veterinary Clinic, Small Animal Only	■	■	—	Subsection 19.02.FF, except that the use shall comply with the setback requirements in subsection 41.303.A, regardless of the adjoining uses
<b>SECTION 41.204 INDUSTRIAL, TRANSPORTATION AND UTILITY USES</b>				
Central Dry Cleaning Plants and Laundries	—	—	—	
Construction Equipment Sales and Leasing	—	—	—	
Contractor Storage Yard	—	—	—	
Essential Services	■	■	■	
Greenhouses and Plant Nurseries	—	□	—	
Laboratories, Research	—	□	—	
Manufacturing	—	—	—	
Mini Warehouse	—	—	—	
Motor Freight Transportation	—	—	—	
Radio and Television Towers	—	—	—	
Recycling Collection Stations	—	—	—	
Tool, Die, Gauge and Machine Shops	—	—	—	
Truck, Tractor, and Trailer Sales and Repair	—	—	—	

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 CHAPTER 2. PERMITTED USES

Utility and Public Service Buildings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No outdoor storage permitted
Wireless Communication Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Subsection 19.02.Y
Wholesale Trade	<input type="checkbox"/>	<input type="checkbox"/>	—	

(Ord. No. 03-14, pt. 4, 1-7-2014; Ord. No. 10-14, pt. 6, 9-2-2014; Ord. No. 07-15, pt. 2, 6-1-2015; Ord. No. 06-16, pt. 2, 10-3-2016; Ord. No. 195-18, § 6, 6-4-2018)

### *CHAPTER 3. DIMENSION AND DESIGN STANDARDS*

#### **Section 41.301. In general.**

The following dimensional and design standards regulate the physical characteristics of development in the New Hudson Zoning District. The standards are broken into sections addressing a specific development characteristic: blocks and streets, lot requirements, and building requirements.

(Ord. No. 03-14, pt. 4, 1-7-2014)

#### **Section 41.302. Block and street design.**

##### *A. Blocks and street network.*

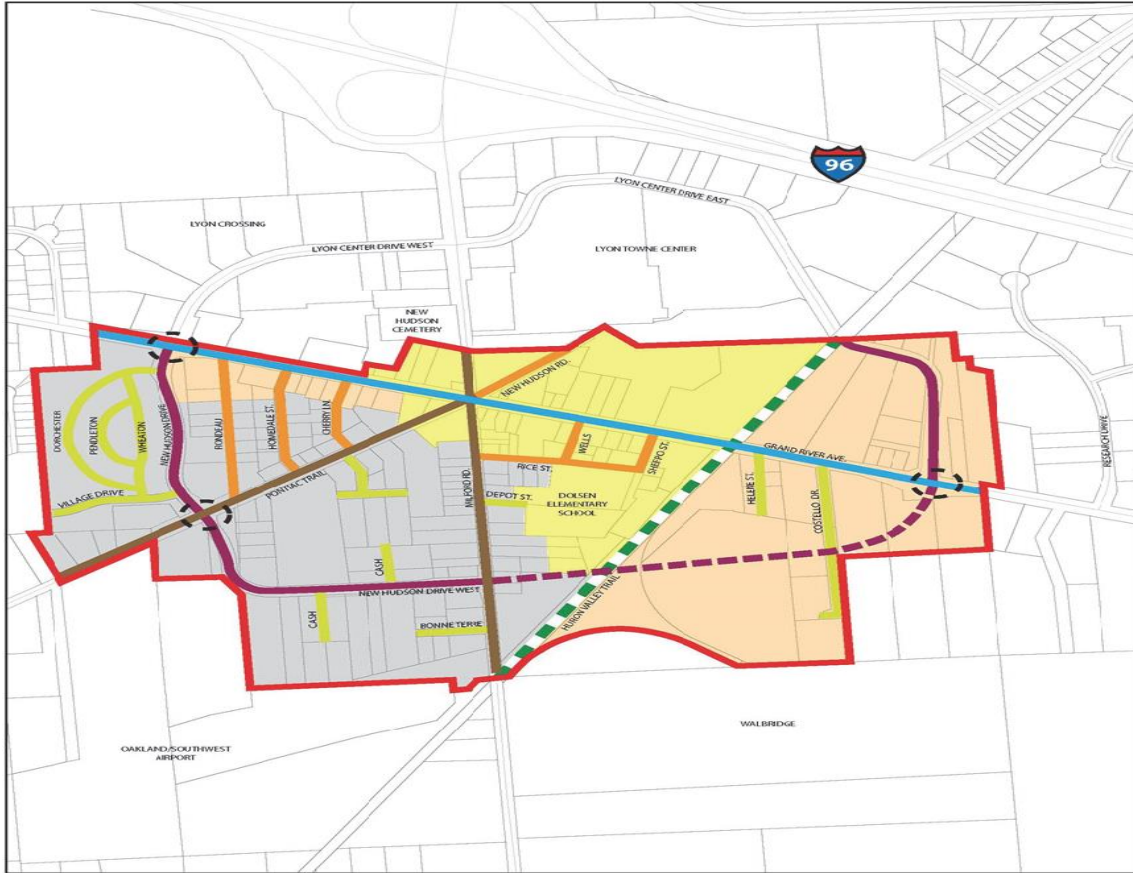
1. The street network in and proximate to the New Hudson Zoning District should be designed to foster a walkable, pedestrian scale environment. Rice, Wells and Shefpo Streets exhibit a pedestrian scale, with length between 400—500 feet and block perimeters of about 1,600 feet.
2. This block pattern should be maintained in the New Hudson Zoning District in order to retain a pedestrian scale. If new streets are proposed, or changes to the existing street network are proposed, the following requirements shall apply:
  - a. *Block length.* The length for any block face between intersecting streets shall be 400—600 feet.
  - b. *Block perimeter.* The block perimeter shall be 1,600—2,000 feet.
3. The planning commission may allow deviations from these requirements upon making the determination that compliance would be impractical because of the configuration of existing streets or the inability to make cross connections.

##### *B. Street types.*

1. There are five street types illustrated on the Regulating Plan/Zoning Map (Map 1) for the New Hudson Zoning District: Main Street, thoroughfares, ring roads, secondary streets, and private roads. The specific dimensional requirements for a building will depend on the type of street upon which it has frontage or frontages.
2. Main Street, thoroughfares, and ring roads carry higher volumes of traffic and are typically more prominent.

3. Secondary streets and private roads intersect with the Main Street, thoroughfares, and ring roads, contain more residential uses, and provide local access to adjacent residential neighborhoods.
4. The following table identifies the streets in the New Hudson Zoning District by street type. New streets shall be designated as a street type by the planning commission for the proposed development:

REGULATING PLAN STREET TYPE	STREETS
Main Street	<ul style="list-style-type: none"> <li>• Grand River Avenue</li> </ul>
Thoroughfares	<ul style="list-style-type: none"> <li>• Milford Road</li> <li>• Pontiac Trail</li> </ul>
Ring Roads	<ul style="list-style-type: none"> <li>• New Hudson Drive-West</li> <li>• Lyon Center Drive East</li> <li>• Lyon Center Drive West</li> <li>• New Hudson Drive</li> </ul>
Secondary	<ul style="list-style-type: none"> <li>• Cherry Lane</li> <li>• Homedale Avenue</li> <li>• New Hudson Road</li> <li>• Rice Street</li> <li>• Rondeau Avenue</li> <li>• Shefpo Street</li> <li>• Wells Street</li> </ul>
Private Roads	<ul style="list-style-type: none"> <li>• Bonne Terre Street</li> <li>• Cash Street</li> <li>• Costello Drive</li> <li>• Depot Road</li> <li>• Dorchester Road</li> <li>• Helene Street</li> <li>• Pendleton Road</li> <li>• Village Drive</li> <li>• Wheaton Road</li> </ul>



DRAFT November 22, 2013

### Map 1: Regulating Plan/Zoning Map

Charter Township of Lyon, Oakland County, Michigan

FEET 0 500 1,000  
Parcel Data Source: Oakland County GIS, 3/15/2011.

#### ZONING DISTRICTS

- Core
- Edge
- Neighborhood
- FBC Zoning Boundary

#### STREET TYPOLOGY

- Main Street (Grand River Avenue)
- Thoroughfares (Pontiac Tr/Milford Rd)
- Ring Road - Existing
- Ring Road - Proposed - Exact location to be determined
- Secondary Streets
- Private Roads
- Bike Path
- Roundabouts

#### STREET HIERARCHY

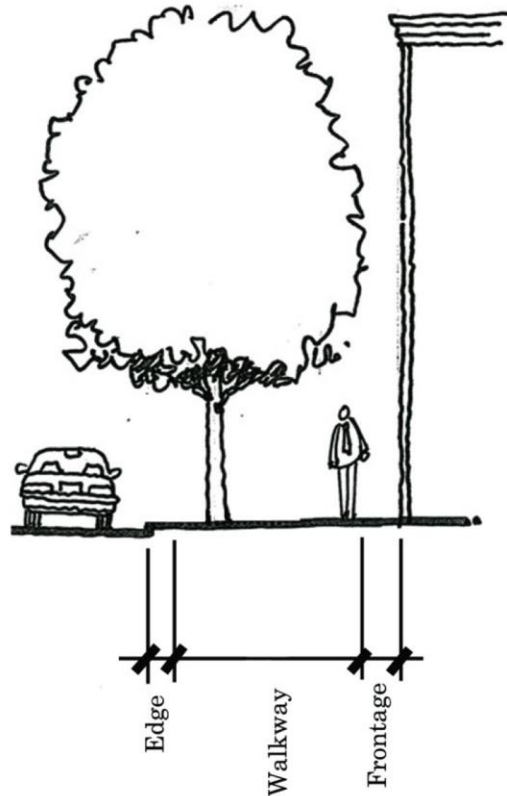
- Main Street (Grand River Avenue)
- Thoroughfares (Pontiac Tr/Milford Rd)
- Ring Road
- Secondary Streets

### C. Street design guidelines.

1. **On-street parking.** On-street parking in the New Hudson Zoning District is encouraged where permitted by the Road Commission for Oakland County. All streets in the New Hudson Zoning District should include a parking lane on both sides of the street, except where the width of the road right-of-way is insufficient to accommodate parking on both sides.
2. **Two-way travel.** Two-way streets are encouraged in the New Hudson Zoning District. One-way streets should not be used in the New Hudson Zoning District.
3. **Curb radius.** The curb radius at the intersection of two streets should be the minimum necessary to permit vehicle circulation. A smaller curb radius shortens the distance that pedestrians must travel to cross the street, and leads to a safer pedestrian environment by reducing the speed at which cars can travel around corners. It is recommended that the centerline curb radius not exceed 30 feet at the intersection of any two streets, subject to review by the Road Commission for Oakland County.



4. *Sidewalks at driveway crossings.* When a sidewalk crosses a vehicle driveway, the driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway to indicate that the sidewalk is a part of the pedestrian zone and that pedestrians have the right-of-way.
5. *Pedestrian zone.*
  - a. The pedestrian zone is the area between the curb (or edge of pavement if there is no curb) and the edge of the right-of-way, and includes area for sidewalks, landscape plantings, and other pedestrian-scale uses and amenities. The treatment of the pedestrian zone determines the character of the street, and the quality of the public realm within the right-of-way. Streets are the most common public space in the hamlet, and must be designed to be welcoming and accommodating for pedestrians as well as motorized traffic.
  - b. The pedestrian zone in the New Hudson Zoning District contains three distinct areas, an edge area that allows car doors to open freely; a walkway area where pedestrians walk; and a frontage area adjacent to the building. Figure 1 illustrates the three areas of the pedestrian zone:



**Figure 1. Pedestrian Zone**

- c. The following sidewalk design requirements and recommendations are intended to create an inviting public space along streets:
  - (1) *Pedestrian zone width.* The pedestrian zone portion of the public right-of-way shall have a minimum width of 7.5 feet (i.e., an edge area of at least 2.5 feet wide and a walkway area of at least five feet wide, as required in (2) and (3) below); however, a larger width is

appropriate along the Main Street (Grand River Avenue) and the thoroughfares (Pontiac Trail and Milford Road).

- (2) *Edge area.* The edge area shall have a minimum width of 2.5 feet, and shall remain clear of obstructions to permit the doors of parked cars to open freely. Streetlights and traffic control signs may be located in the edge area. The edge area may be paved, or if a tree lawn is combined, it may be landscaped.
- (3) *Walkway area.* The walkway area is the basic sidewalk area where pedestrians walk. The walkway area must maintain a five-foot wide clear path free of obstructions at all times to permit free pedestrian travel. No permanent structures or uses may be located in the walkway area with exception to structures related to public utilities such as fire hydrants or streetlights. Trees and other landscaping is permitted in the walkway area, provided it does not obstruct the required five-foot wide clear path.
- (4) *Frontage area.* The frontage area is the portion of the pedestrian zone adjacent to the building. The frontage area is an optional area, and may be used for street furniture or other uses accessory to the use in the adjacent building.

D. *Alleys.* Alleys and lanes that provide access to the rear of buildings or parking areas are permitted in the New Hudson Zoning District; provided that designated pedestrian access across the alleys is provided when necessary. The intersection between an alley and a street should be separated at least 150 feet from any street intersection (measured from the point of intersection between the centerlines of the streets).

(Ord. No. 03-14, pt. 4, 1-7-2014)

### Section 41.303. Lot requirements.

The following requirements apply to the development of lots in the New Hudson Zoning District. For the purposes of determining compliance with these regulations, lots that are assembled under one ownership may be considered a single lot.

A. *Setbacks.* Buildings in the New Hudson Zoning District shall comply with the following minimum and maximum setback requirements:

SETBACK <sup>a,b</sup>	SETBACK REQUIREMENTS					
	CORE		EDGE		NEIGHBORHOOD	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
Primary Front Yard	0 ft.	0 ft., unless another setback is permitted by the Planning Commission <sup>c</sup>	5 ft. <sup>d</sup>	25 ft.	5 ft. <sup>d</sup>	25 ft.
Secondary Front Yard	5 ft.	10 ft.	5 ft.	25 ft.	5 ft.	25 ft.
Side Yard <i>adjacent to New Hudson Zoning District</i>	5 ft.	15 ft.	5 ft.	—	5 ft.	—
<i>adjacent to any non-New Hudson Zoning District</i>	10 ft.	—	10 ft.	—	10 ft.	—

Rear Yard adjacent to New Hudson Zoning District	5 ft.	—	5 ft.	—	10 ft.	—
adjacent to any non-New Hudson Zoning District	20 ft.	—	20 ft.	—	20 ft.	—
<sup>a</sup> The minimum required setback is the minimum distance between a front side, side or rear lot line and the nearest supporting member of a structure in order to conform to the setback requirements.						
<sup>b</sup> Architectural features, such as cornices, may extend up to 1.75 feet into the required setback.						
<sup>c</sup> For example, the Planning Commission could grant an increased setback to provide a place for street vendors or a place of business where food and drinks are served.						
<sup>d</sup> See Section 41.304 for front setback for "Lawn" buildings.						

1. *Primary vs. secondary front yards.* Any lot line that borders on a street shall be considered a front yard. When a lot is located on a corner lot, the primary front yard setback shall be measured from the street right-of-way of the street designated as the front on the subdivision plat, condominium master deed, or building permit.

a. The applicant shall identify primary and secondary front yards on the site plan submitted for approval by the planning commission. In reviewing an applicant's designation of primary and secondary front yards, the planning commission shall consider the following:

- (1) Every lot shall have at least one primary front yard.
- (2) Main Street, thoroughfares, or ring roads shall always be considered a primary front yard.
- (3) The yard facing a secondary street or private road may be considered a primary or a secondary front yard.

B. *Building frontage requirements.* In order to maintain a pedestrian scale environment, buildings shall maintain a minimum frontage as specified in the following chart. Building frontage requirements prevent buildings from being spaced too far apart, which creates gaps in the street wall. Building frontage is defined as the width of the building divided by the lot width at the front property line. By way of example, a building that is 70 feet wide in the front setback area located on a lot that is 100 feet wide would have a building frontage of 70 percent ( $70/100 \times 100 = 70\%$ ).

STREET TYPE	MINIMUM BUILDING FRONTAGE REQUIREMENTS		
	CORE	EDGE	NEIGHBORHOOD
Main Street	80%	70%	50%
Thoroughfare	80%	60%	40%
Ring Roads	70%	50%	30%
Secondary Street	60%	40%	30%
Private Road	N/A	N/A	N/A

C. Any existing lot created prior to the effective date of this Ordinance shall be considered a buildable lot in the New Hudson Zoning District provided the lot width is a minimum of 30 feet and lot area is greater than 3,000 square feet. Any new lot created in the New Hudson Zoning District must conform to the following minimum dimensions, or the predominant lot width and area of the lots on the same side of the street between the closest intersecting streets, whichever is less:

1. Core subdistrict: 70-foot lot width; 10,000 square feet lot area.

2. Edge and neighborhood subdistricts: 100 feet; 15,000 square feet lot area.  
 (Ord. No. 03-14, pt. 4, 1-7-2014; Ord. No. 04-20, § 1, 7-6-2020)

**Section 41.304. Building design.**

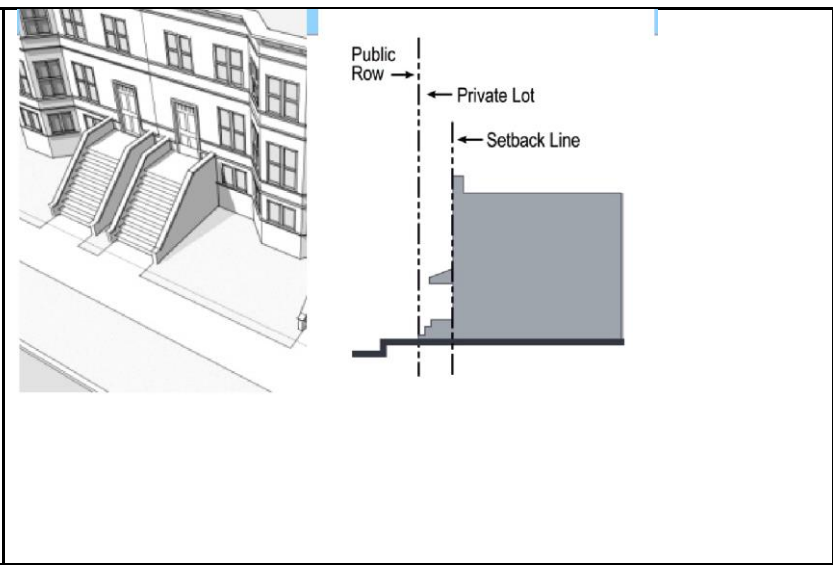
Buildings in the New Hudson Zoning District shall comply with the following requirements.

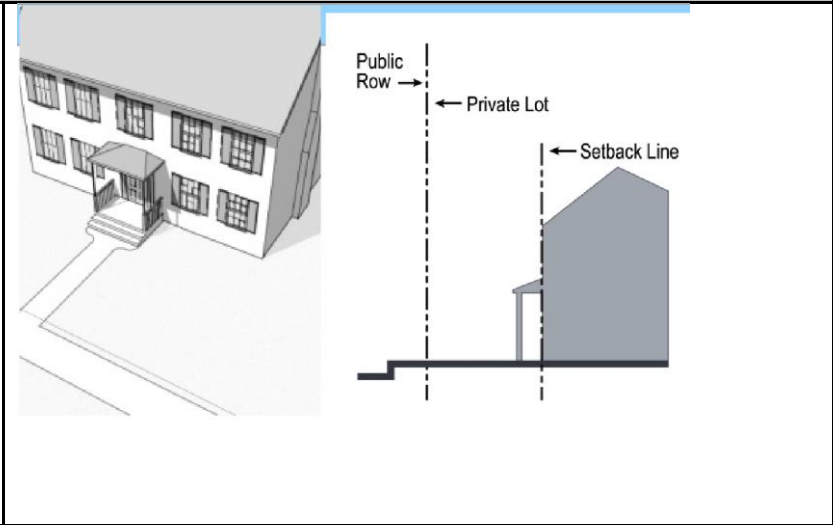
A. *Private frontage.* The private frontage is the area between the public right-of-way and the principal building facade. Buildings must contain architectural elements consistent with one of the following four private frontages. Each frontage is designed to be consistent with some or all of the uses permitted in the New Hudson Zoning District.

<b>Shopfront</b>	
<p>A frontage where the building facade is located close to the front lot line with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential uses on the first floor.</p> <p>Where Permitted:</p> <ul style="list-style-type: none"> <li>• Core</li> <li>• Edge</li> </ul>	

<b>Courtyard</b>	
<p>A frontage where a portion of the building facade is close to the front lot line with a portion set back. The courtyard may accommodate tree plantings or a vehicle drop-off area. This frontage is suitable for any building use.</p> <p>Where Permitted:</p> <ul style="list-style-type: none"> <li>• Core</li> <li>• Edge</li> <li>• Neighborhood</li> </ul> <p>Dimensional Considerations:          The courtyard area shall be considered part of the front building facade.</p>	

<b>Residential Stoop</b>
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<p>A frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable for ground-floor residential use.</p> <p>Where Permitted:</p> <ul style="list-style-type: none"> <li>• Neighborhood</li> </ul> <p>Dimensional Requirements:</p> <p>The building shall be set back a minimum of 15 feet from the front lot line. The stoop or porch area shall be set back a minimum of 5 feet from the front lot line.</p>	
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<b>Lawn</b>	
<p>A frontage where the building is set back from the street with a landscaped front yard area. This frontage is suitable for any building use.</p> <p>Where Permitted:</p> <ul style="list-style-type: none"> <li>• Edge</li> <li>• Neighborhood</li> </ul> <p>Dimensional Requirements:</p> <p>The building shall be set back a minimum of 20 feet from the front lot line. Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line.</p>	

- B. *Building height.*
1. *Stories.* Building height in the New Hudson Zoning District shall be measured in stories. Unfinished attics or similar spaces that are not part of the livable space of a building shall not be considered a building story.
  2. *Maximum height.* The maximum building height permitted in the New Hudson Zoning District is three stories.
  3. *Minimum Height.* The minimum building height for new buildings in the core sub-area is two stories. If it is infeasible to construct a two-story building on a lot (for example, if a lot is too small to accommodate a two-story building plus required site amenities), then a one-story is permissible. There is no minimum height requirement in the edge sub-area or neighborhood sub-area.

4. *Exceptions.* Special architectural features such as towers, cupolas, chimneys, steeples, and similar elements are allowed to exceed the height limits.
- C. *Base, middle and cap.* Flat-roofed, two-story buildings, shall incorporate a base, middle, and cap, as is applicable (Figure 2).



**Figure 2: Base, middle, and cap of a two-story building**

1. *Base.* The base shall include an entryway with transparent windows and a horizontal molding or reveal (also known as an intermediate cornice line or beltline) placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least two inches and a height of at least four inches. If a one story building is proposed, the molding or reveal is not required.
  2. *Middle.* The middle may include bands, balconies, or windows that are located between the reveal and the cap area.
  3. *Cap.* The cap includes the area from the ceiling of the top floor to the roof of the building, and shall include a cornice or roof overhang.
- D. *Alignment.* Windowsills, moldings, and cornices shall align closely with those of adjacent buildings. The top line defining the edge of the windows (the "top windowsill alignment") shall not vary more than two feet from the alignment of surrounding buildings. If the adjoining buildings have top windowsill alignments that vary by more than two feet from one another, the top windowsill alignment of the proposed building shall align with one of the adjoining buildings.
- E. *Building materials.* Buildings in the New Hudson Zoning District shall comply with the following building material requirements:
1. *Primary building materials.* Primary exterior building materials shall be brick, wood siding, or synthetic building materials that convincingly match the appearance of natural building materials. Vinyl siding is permitted as a primary building material for residential buildings provided that it is premium grade having a minimum thickness of 0.046 inches. Concrete block or similar masonry units (including CMU or split-faced block) are prohibited as a primary building material except on the sides or rear of industrial buildings. Exterior insulating finish systems (EIFS) and similar materials may not be used as a primary building material. Primary building materials shall be used on a minimum of 70 percent of the facade of the building (excluding doors and windows).

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2. *Accent building materials.* Accent materials may be used on up to 30 percent of the facade area of the building (excluding doors and windows). Acceptable accent materials include decorative precast concrete block, custom metal panels, and glass. Building materials such as EIFS may be used as accent building materials on up to ten percent of the total wall area of any facade, but may not be used below 11 feet in height.
  3. *Prohibited building materials.* The use of aluminum siding, mirrored glass, and plastic is prohibited. With exception to single-family residential structures, the use of vinyl siding is also prohibited.
  4. *Awning materials.* Awnings must be made of canvas fabric or similar material. Metal awnings shall be permitted if they are a permanent building architectural element. Plastic or rigid fiberglass awnings are not permitted. Awnings shall not be made of high gloss, shiny or translucent materials, and shall not be internally illuminated.
- F. *Ground floor design.*
1. *First story clear height.* Any building that contains office, commercial, or retail uses on the first floor must have a minimum first story clear height of 12 feet, as measured from the interior floor to the ceiling on the first floor.
  2. *Pedestrian elements.* Awnings, trellises, arcades and similar features are encouraged to enhance the pedestrian experience.
  3. *Building entrance(s).* All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary entrance may be provided to a parking lot. Apartment buildings shall have one entrance facing the street to retain a residential character, with individual units being accessed via interior doorways or from the side or rear facades.
  4. *Entryway alignment.*
    - a. *Nonresidential uses.* For all buildings in the core sub-area of the New Hudson Zoning District and buildings with nonresidential uses on the first floor in the edge sub-area, the ground floor of the principal entrance shall align with the elevation of the adjacent sidewalk. Sunken terraces or stairways to a basement shall not constitute principal entrances to a building for the purposes of this section. It is not the intent of this section to preclude the use of below or above grade entryways, provided that such entryways are secondary, not principal entrances.
    - b. *Residential and live/work uses.* For first floor residential and live/work uses in the edge and neighborhood sub-areas of the New Hudson Zoning District, the ground floor of the building (and consequently the principal entrance as well) may be raised up to 36 inches above the elevation of the adjacent sidewalk. This is intended to create greater privacy for first floor residential uses by elevating windows above the view of passing pedestrians.
  5. *Recessed entrances encouraged.* Doors in the core and edge sub-areas are encouraged to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.
- G. *Windows.* The following requirements apply to facades of buildings facing a public street or public space such as a plaza or square:
1. *Window materials.*

- a. Front facing windows must be clear non-reflective glass. The use of tinted glass or plexi-glass is prohibited. On side or rear facades that exceed 30 feet in length, the planning commission may approve the use of spandrel glass to create visual interest.
  - b. Curtains or blinds are permissible for second story windows or where a first floor residential use exists. Curtains or shades are discouraged for first floor offices, because they eliminate the "eyes on the street" for purposes of first floor transparency. If window coverings must be used on the first floor to prevent glare, then adjustable solar shades are an acceptable alternative.
2. *Ground floor facade transparency.*
- a. All buildings with first floor nonresidential uses shall provide the following minimum percentage of transparency between two and eight feet above grade level on the first floor facade. Door and window glass provides transparency, but must be see-through and not frosted, beveled, spandrel, covered with paper, or otherwise obscuring the inside view of the building from the street.

Zoning	Minimum Percentage of Transparency - First Floor
Core	70% (30% for residential uses)
Edge	50% (30% for residential uses)
Neighborhood	30%

- b. Solid walls shall not be permitted along any primary or secondary front yard.
- H. *Roofs.* The following requirements apply to all roofs.
1. *Roof type.* Pitched roofs or flat roofs are permitted. Pitch is the slope of the sides of a roof, expressed by the ratio of its height to its span.
  2. *Flat roof requirements.*
    - a. Roof shall have a parapet horizontal in elevation above the roof facing any frontage; the parapet shall be appropriately elaborated, and shall be no less than 12 inches tall measured above the roof.
    - b. Any equipment placed on a flat roof must be located on the rear half of the building; and/or screened by parapet walls or screens, rendering the equipment invisible from six feet above the street level and from adjacent properties.
    - c. Eaves (when used) shall overhang vertical building walls a minimum of 16 inches, and shall be designed with the view from the street in mind.
  3. *Pitched roof requirements.*
    - a. Pitched roofs shall be clad in either cement tile, slate, through-fastened steel roofing, standing-seam metal roofing, or dimensional shingles.
    - b. Hip roofs shall have a pitch of 6:12 or greater.
    - c. Gable roofs shall have a pitch between 6:12 and 12:12.
    - d. Shed roofs are permitted only when they are attached to a principal building, and shall have a slope between 4:12 and 8:12.



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- e. Porch roofs and roofs over other building elements such as bay windows and exterior utility closets or mechanical rooms that are attached to principal buildings, shall be hipped and shall have a pitch of 4:12.
  - f. Dormers must be habitable, and set back no less than 36 inches from the exterior wall below. Hipped, and/or gabled dormers shall be sloped to match the principal roof, and shed roofs shall have a minimum slope of 3:12.
  - g. Eaves shall be continuous, and overhang exterior vertical building walls a minimum of eight inches. Open eaves shall extend beyond exterior vertical building walls no less than 12 inches in height.
  - h. Cornices shall be no less than 12 inches in height.
  - i. Roof penetrations such as plumbing and heating vents shall be placed on the rear ridge of the roof and painted to match the color of the roof. Metal roof penetrations may be left unpainted.
- I. *Encroachments.* Architectural features, such as cornices, may extend up to 1.75 feet into the required setback. Awnings and canopies may encroach into the public right-of-way.
  - J. *Service areas.* All service areas, including utility access, above ground HVAC equipment, and dumpsters shall be located in side or rear yards and shall be screened from view from any street.
  - K. *Mechanical and utility equipment.* Mechanical equipment, electrical and gas meters and service components, and similar utility devices (whether ground level, wall-mounted, or roof-mounted) shall be screened from view from the front property line. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.

(Ord. No. 03-14, pt. 4, 1-7-2014; Ord. No. 07-15, pt. 3, 6-1-2015)

## CHAPTER 4. GENERAL REQUIREMENTS

### Section 41.401. Parking.

The following parking requirements are applicable in the New Hudson Zoning District, and replace any similar requirements set forth in article 14.00:

- A. *Minimum parking required.* All new development or expansion of existing development shall provide off-street parking spaces according to the following requirements. The parking spaces shall be provided within 800 feet of the building.
  - 1. *Residential uses.*
    - a. *Attached:* A minimum average of 1.5 off-street parking spaces per residential dwelling unit.
    - b. *Detached:* A minimum of 2.0 off-street parking spaces per residential unit. Required spaces may be in the garage.
  - 2. *Nonresidential uses.* One parking space per 250 square feet of gross nonresidential floor area, unless article 14.00 requires fewer spaces. The planning commission may enforce the minimum parking space standards of article 14.00 if there are not a sufficient number of public parking spaces in the area. Adjacent on-street parking may be included in calculations to determine compliance with parking requirements.
  - 3. *Barrier-free parking.*

- a. Barrier-free parking spaces shall be provided per state requirements, shall be accessible from and conveniently located near each primary building entrance, and shall be identified by above-grade signs and pavement striping.
- b. The following table is a summary of the barrier-free parking space requirements in effect at the effective date of this Ordinance:

**Barrier Free Parking Requirements**

Number of Parking Spaces Provided	Total Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required (min. 96" wide access aisle)	Regular Accessible Parking Spaces Required (min. 60" wide access aisle)
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

- 4. *Bicycle parking.* Bicycle parking may replace up to two percent of the vehicle parking requirements for new developments. In other words, if 60 parking spaces are required for a new development, 59 spaces could be for cars and one space could be provided for bicycles.
- 5. *Transit reduction.* If public transit access is provided within a one-fourth mile of a property located within the New Hudson Zoning District, the planning commission may reduce the parking requirement for that property by ten percent.
- 6. *Shared parking reduction.* Shared parking may be permitted where two or more land uses with different peak occupancy times agree to share a parking lot. The minimum number of parking spaces shall be determined by a study prepared by the applicant(s) following the procedures of the Urban Land Institute (ULI) Shared Parking Report, Institute of Transportation Engineers (ITE) Shared Parking Guidelines, or other approved procedures. A formal parking study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on the most current edition of Parking Generation, an ITE publication. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates on an hourly basis. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. These surveys should consider the seasonal peak period for the combination of land uses involved. A legal agreement guaranteeing access to, use of, and management of the shared parking lot must be executed by the parties agreeing to share the parking.

7. *Public parking reduction.* If public parking is provided within 800 feet of a property located within the New Hudson Zoning District, the parking requirement for that property may be reduced by no more than 50 percent of the total minimum parking requirement calculated based on the property's land use. Such reduction may be approved administratively if the public parking is constructed subsequent to site plan approval for the subject property.
- B. *On-street parking.* Adjacent on-street parking may be included in the calculations to determine compliance with minimum parking requirements.
- C. *Parking lot location.* Parking lot location must comply with the following table:

Parking Lot Location	Core	Edge	Neighborhood
Primary Front Yard	Not Allowed	Allowed for office uses only, and must be set back 20 feet from the edge of the Grand River Avenue right-of-way	Not Allowed
Secondary Front Yard	Not Allowed	Allowed for office uses only, and must be set back 20 feet from the edge of the Grand River Avenue right-of-way	Not Allowed
Side Yard	Allowed	Allowed	Allowed
Rear Yard	Allowed	Allowed	Allowed
Residential Garage	Allowed (Rear Yard Only)	Allowed (Side or Rear Yard Only)	Allowed (Garage doors must be set back at least 5 feet behind the front of the porch.)
On-Street	Allowed	Allowed	Allowed

- D. *Parking lot layout.* Side-by-side parking lots created on two separate properties shall have a landscaped buffer of at least ten feet wide that separates the parking lots. However, the buffer may be reduced or eliminated if an overall parking plan is submitted that illustrates how parking on adjacent sites will be coordinated. Such a plan shall be subject to planning commission approval. An interconnecting driveway is permitted between the lots as a means of sharing parking and reducing on-street traffic.
- E. *Parking stall and maneuvering aisle dimensions.* The dimensions of the parking stalls and maneuvering aisles shall be the same dimensions required in article 14.00.
- F. *Loading space.* There are no specific loading requirements in the New Hudson Zoning District; however, buildings and sites should be designed such that delivery vehicles can be accommodated on the site without encroaching into a public right-of-way, where possible. Further, loading facilities such as truck docks shall be located and screened such that they are not visible from a main street.

(Ord. No. 03-14, pt. 4, 1-7-2014; Ord. No. 07-15, pt. 4, 6-1-2015; Ord. No. 10-16, pts. 14, 15, 11-9-2016)

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### **Section 41.402. Outdoor amenity space.**

Any development or redevelopment of a building (except an industrial building) with more than 10,000 square feet of floor area in the New Hudson Zoning District shall provide outdoor amenity space. The emphasis of the amenity space requirement is on the quality rather than the quantity of the space; therefore, there is no minimum area of amenity space required. Amenity space shall be adjacent to or visible and accessible from a public right-of-way. Outdoor amenity space may take the form of a pocket park or plaza and may include street furniture, public art, landscaping, a water feature, play equipment, or a combination of amenities. Rather than providing the amenity space on-site, a developer may propose to improve an existing outdoor public space, subject to planning commission approval.

(Ord. No. 03-14, pt. 4, 1-7-2014)

### **Section 41.403. Outdoor retail sales.**

Outdoor retail sales, such as sidewalk sales, are permitted in the New Hudson Zoning District, subject to the following requirements:

- A. *No permit required.* Temporary or moveable outdoor retail sales activity or displays accessory to a principal use in the New Hudson Zoning District are permitted, subject to the following requirements:
  - 1. *Area.* The total of all outdoor sales display areas on the site shall not exceed 1.5 square feet per linear foot of building frontage.
  - 2. *Location.* Outdoor sales areas may be located in the build-to zone, and/or in the right-of-way. Outdoor sales in the right-of-way shall be located in the frontage or furnishings area of the pedestrian zone directly adjacent to the building containing the use to which it is accessory.
  - 3. *Time.* The outdoor sales display shall only be set out during business hours, and shall be moved indoors for storage overnight or when the business is closed. A minimum five-foot wide clear pedestrian pathway on the sidewalk shall be maintained at all times.
- B. *Permit required.* Administrative approval is required for outdoor sales that exceed the area limitations in subsection A, above; for special outdoor sales events that will be located anywhere besides the frontage or furnishings area of the pedestrian zone; or for times outside of normal business hours. The permit will specify the permitted size and duration for the outdoor sales event.

(Ord. No. 03-14, pt. 4, 1-7-2014)

### **Section 41.404. Outdoor storage.**

No outside storage shall be permitted in the New Hudson Zoning District. For the purpose of this article, outdoor storage consists of items that are not brought indoors overnight or when the business is closed.

(Ord. No. 03-14, pt. 4, 1-7-2014)

### **Section 41.405. Outdoor dining.**

Outdoor dining, such as sidewalk cafes and outdoor patios, is permitted in New Hudson Zoning District, subject to the following requirements:

- A. *Location.* Outdoor dining is permitted in front, on the side, or in the rear of a building in the core sub-area. If located in front, outdoor dining is permitted adjacent to the building in the frontage and

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walkway areas, provided that a pedestrian pathway having a minimum width of five feet is maintained in front of the building.

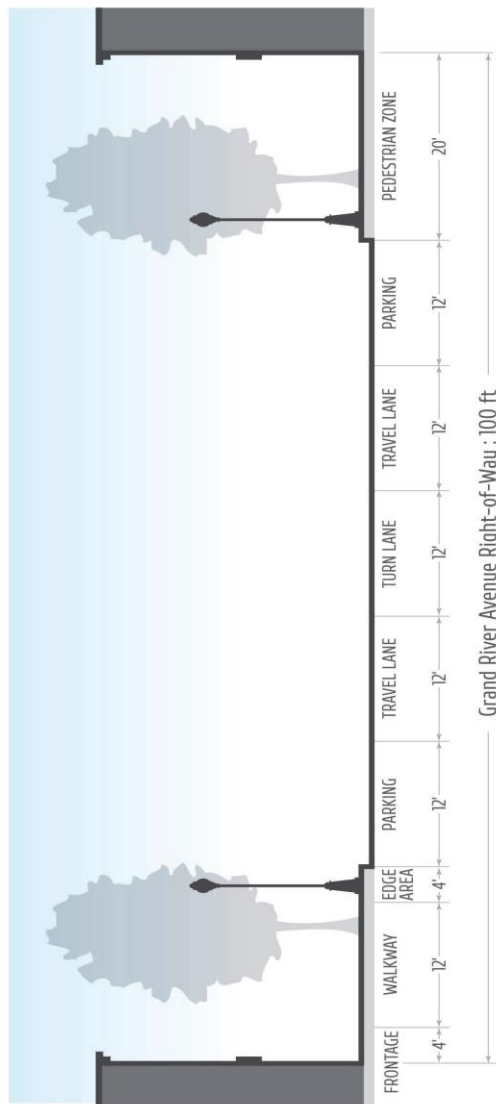
- B. *Accessory use.* The outdoor dining shall be accessory to a fully-operational restaurant located on the same site. The outdoor seating capacity shall be no greater than 50 percent of the indoor seating capacity.
- C. *Serving of alcohol.* Alcoholic beverages to be served at a sidewalk cafe; shall be prepared within the restaurant and shall only be served to patrons seated at tables. The consumption of alcoholic beverages within the confines of an approved outdoor dining area shall not be construed as a violation of any ordinance controlling open containers in a public area. The operator of the outdoor dining area shall procure the appropriate license or permit from the Michigan Liquor Control Commission to serve alcoholic beverages and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the state.
- D. *Site plan requirements.* A site plan, drawn to scale, shall be submitted for review and approval. The site plan shall indicate the location of the outdoor dining, proposed lighting, access, fences, landscaping, trash removal, setbacks from property lines, signs, and other proposed improvements associated with the outdoor dining. Site plans for outdoor dining associated with an existing restaurant shall be subject to administrative review, unless variances are required, in which case review by the planning commission shall be required. Site plans for outdoor dining associated with a new restaurant, or a restaurant proposed for expansion, shall be subject to planning commission review.
- E. *Perimeter fence or barriers.* A fence, bollards, planters, or other barriers shall be provided around the perimeter of the outdoor dining area where needed to protect diners from the intrusion of vehicles.
- F. *Property owner approval.* Outdoor dining operators who are lessees shall submit proof of property owner approval.
- G. *Setbacks.* Outdoor dining shall comply with the setback requirements for principal building or structure.
- H. *Hours of operation.* The hours of operation for outdoor dining shall be specified on the site plan, which shall be subject to approval. The hours of operation shall not be greater than those of the restaurant to which the outdoor dining is accessory.
- I. *Food storage and preparation.* Outdoor food storage is prohibited. Outdoor food preparation may be permitted, provided the location and type of cooking equipment is shown on the site plan, and subject to any conditions imposed by the township to minimize off-site impacts. Outdoor food preparation shall be subject to Oakland County Health Division requirements and approval.
- J. *Off-season storage.* The site plan shall specify plans for storage of tables, chairs, umbrellas, planters, posts, railings, and other equipment during the off-season. These items shall not be stored outside.
- K. *Maintenance.* The maintenance of outdoor dining area shall be the responsibility of the restaurant establishment, including but not limited to, surface treatment and cleaning, litter control, and sweeping. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
- L. *Umbrella advertising.* Advertising on table umbrellas is permitted and shall not be counted against the total allowed signage for the site.
- M. *Sound management.* Entertainment, music, speakers, and similar devices are permitted, subject to compliance with those noise regulations in section 20.02(A).
- N. *Insurance.* Outdoor dining operators with facilities located on public property shall procure and maintain a policy of commercial general liability insurance in an amount acceptable to the township,

including workers compensation, naming the township as an additional insured. Establishments serving alcohol shall also procure and maintain a liquor liability policy naming the township as an additional insured. A certificate of insurance or policy shall be provided to the township as proof of such insurance, and the certificate or policy shall contain a clause requiring the insuring company to give ten days' written notice to the township supervisor prior to canceling the policy. No establishment shall operate a sidewalk cafe; or other outdoor dining facility on public property without providing proof of proper insurance.

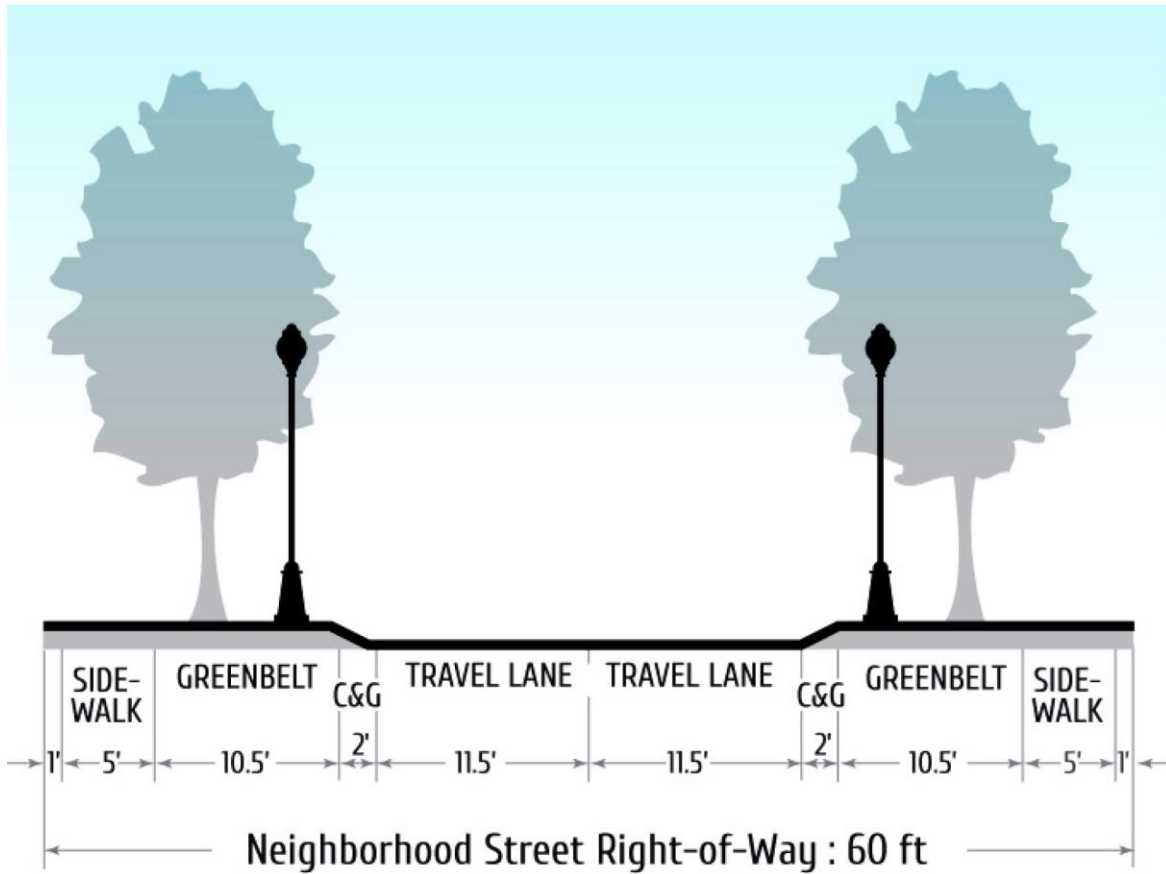
(Ord. No. 03-14, pt. 4, 1-7-2014; Ord. No. 06-17, § 1, 11-6-2017)

**Section 41.406. Street design guidelines.**

The following illustrations provide the regulations for development of Grand River Avenue and neighborhood streets, subject to approval of the Road Commission for Oakland County:



- See Section 41.302(c), Street Design Guidelines for description of Frontage, Walkway, and Edge Areas.
- Locations of Street trees and street lights may vary depending on the exact dimensions of the Walkway and Edge Areas.
- This cross-section is designed for parallel parking on both sides of the street.
- Street trees should generally be planted at one tree per 40 feet.
- Street lights shall be located at regular intervals, subject to manufacturer's specifications, to adequately light streets in New Hudson.
- Street lights shall be decorative in design, based on specifications available from the Township.



- G & G - Curb and Gutter
- Locations of street trees and street lights may vary depending on the design of the residential development.
- This cross-section is designed for parallel parking on one side of the street.
- Street trees should be planted at one tree per 40 feet.
- Street lights shall be located at regular intervals, subject to manufacturer's specifications, to adequately light streets in New Hudson. Street lights shall be decorative in design, based on specifications available from the Township.

(Ord. No. 03-14, pt. 4, 1-7-2014)

### Section 41.407. Signs.

The following exterior sign regulations are applicable within the New Hudson Zoning District, and shall supersede any underlying sign requirements:

#### A. *Applicability.*

1. It shall be unlawful for any person to erect, alter, relocate, or structurally change a sign or other advertising structure without first obtaining a permit from the building department, in accordance with section 16.04.

- 
2. When new development is proposed, sign locations shall be shown on building elevations and site plans submitted for site plan approval and shall be subject to review and approval by the planning commission. Signs proposed for an existing site developed under the standards of this article shall require only a sign permit from the building department.



**Gooseneck Lighting Fixtures**

- B. *Purpose.* The intent of these sign regulations is to:
  1. Establish reasonable standards for business identification.
  2. Encourage creative and innovative approaches to signage within an established framework.
  3. Promote economic vitality.
  4. Promote traffic safety by reducing unnecessary visual distractions.
  5. Enhance overall property values and the visual environment by discouraging signs that visually clutter the streetscape.
  6. Ensure that commercial signs are designed for the purpose of identifying a business in an attractive and functional manner.
  7. Ensure signs on the facade of buildings reinforce the intended character of the New Hudson Zoning District and are integrated into the architectural scheme of the building.
  8. Promote a quality visual environment by allowing signs that are compatible with their surroundings and that effectively communicate their message.



**Reverse Channel Illumination**


- C. *Design and materials.*




1. Exterior materials, finishes, and colors should be the same or similar to those used on the principal building.
  2. Signs should be professionally constructed using high-quality materials such as metal, stone, hardwood, or similar quality materials.
  3. Internally lit plastic letters and plastic box signs are prohibited.
  4. To minimize irreversible damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry.
- D. *Sign lighting.* Sign lighting greatly contributes to the overall character and perceived quality of a sign. Signs shall comply with the following lighting requirements:
1. *Internal sign illumination prohibited.* Internally illuminated signs are prohibited.
  2. *Externally illuminated signs.* Projecting light fixtures used for externally illuminated signs, such as gooseneck fixtures for wall or projecting signs, should be simple and unobtrusive in appearance. Any external sign light source must be designed so that the light source is directed against the sign and away from pedestrian or vehicle travel ways, and the light source must not shine onto adjacent properties or cause glare for motorists or pedestrians.
  3. *Back-lit, halo-lit, or reverse channel letter illumination.* The use of back-lit, halo-lit, or channel-lit lighting is permitted. These types of sign lighting are appropriate for pedestrian and automobile scale sign lighting applications (see photo).
  4. *Prohibited signs.* Any sign incorporating flashing or blinking lights, animated display screens, or electronic changeable copy is prohibited.
- E. *Multiple story buildings.* The following regulations are applicable to multiple story buildings:
1. Ground floor tenants shall place signs at the storefront level, below the expression line (see definitions, chapter 5) separating the ground floor from upper floors.
  2. Upper story tenants may only display window signs.
  3. A tenant wall directory sign shall be permitted at ground level entrances that provide address and access information for upper story tenants. Tenant wall directory signs shall have a maximum area of 12 square feet, and shall have a maximum height of eight feet.
- F. *Permitted signs.* The following types of signs are permitted:

Type of Sign	Number Permitted
Wall Sign	One sign per business. In a multi-tenant building or shopping center, one wall sign shall be permitted for each tenant having an individual means of public access. One additional wall sign shall be permitted for identification of a multi-tenant building.
Awning and Canopy Signs	One sign per business having building frontage.
Marquee Sign	One sign per building.
Blade Sign	One sign per business. A business that has a hanging sign may not have a blade sign.
Hanging Sign	One sign per business. A business that has a blade sign may not have a hanging sign.
Window Sign	Number of signs is based on window coverage (maximum of 33 percent).
Plaque Sign	One sign per business entrance.
Restaurant Menu Sign	One sign per restaurant.

Tenant Directory Sign	One sign per building.
Pole Sign	One sign per building, subject to restrictions. A pole sign shall not be permitted on the same site as a projecting sign.
Sandwich Board Sign	One sign per business.
Projecting Sign	One sign per building. A projecting sign shall not be permitted on the same site as a blade sign or pole sign.

1. WALL SIGNS	
<p><u>Definition:</u> A sign that is mounted flush and fixed securely to or painted on a building wall, projecting no more than 12 inches beyond the face of a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.</p> 	<p><u>Regulations:</u></p> <ul style="list-style-type: none"> <li>a. Wall signs should be located on the upper portion of the storefront, and should not exceed the width of the storefront bay.</li> <li>b. Wall signs shall not exceed 1 ½ square feet per lineal foot of building frontage, provided that no such sign shall exceed 48 square feet.</li> <li>c. Wall signs shall be placed in a clear signable area, which is an architecturally continuous area uninterrupted by doors, windows, or architectural details such as grillwork, piers, pilasters, or other ornamental features.</li> </ul>

2. AWNING AND CANOPY SIGNS	
<p><u>Definition:</u> A sign that is printed on, painted on, or attached to an awning or canopy above a business door or window. Such signs are generally oriented toward pedestrians on the opposite side of the street.</p> 	<p><u>Regulations:</u></p> <ul style="list-style-type: none"> <li>a. Sign lettering or logos shall comprise no more than 30% of the total exterior surface of an awning or canopy.</li> <li>b. Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited.</li> <li>c. UV-resistant architectural fabric, in matte finish, suitable for outdoor use must be used and shall cover the front of the awning frame.</li> <li>d. The awning frame shall be constructed of steel or aluminum.</li> <li>e. Wind and snow load capacities shall be provided to the Township as part of the permit process. Applicants should be able to obtain wind and snow load capacities from the product manufacturer.</li> <li>f. Torn, frayed, ripped, faded, stained, soiled, or dirty awnings shall be replaced immediately.</li> </ul>

### 3. MARQUEE SIGNS

**Definition:** A marquee is a permanent roof like structure, supported by and extending from the face of the building. A marquee sign is often constructed above a building entrance, or over a street or sidewalk. Marquee signs generally contain changeable copy on the face of the sign.



**Regulations:**

- a. A marquee sign is only permitted in conjunction with a theater, cinema, or performing arts facility.
- b. The permanent text of the sign may indicate the facility name and the changeable copy portion of the sign may highlight current and future attractions.
- c. One marquee sign shall be permitted per street frontage.
- d. A minimum vertical clearance of 10 feet shall be provided beneath any marquee.
- e. The total size of a marquee sign shall not exceed 1 ½ square feet per lineal foot of building frontage. The area of permanent lettering shall be counted in determining compliance with the standards for total area of wall signs permitted on a parcel.

**4. BLADE SIGNS**

**Definition:** A blade sign is a sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of a building.



**Regulations:**

- a. Blade signs shall be small in scale and provide a minimum vertical clearance of 10 feet between the lowest point of the sign and the sidewalk.
- b. A blade sign shall have a maximum area of 12 square feet.
- c. Mounting hardware shall be an integral part of the sign design.
- d. Businesses that have a blade sign may not have a hanging sign.

**5. HANGING SIGNS**

**Definition:** A hanging sign is similar to a blade sign, except that it is suspended below a marquee, awning

**Regulations:**

- a. Hanging signs shall have a maximum area of six square feet (excluding supporting rods, chains, or similar hangers).
- b. Hanging signs shall maintain a minimum vertical clearance of 10 feet between the lowest point of the sign and the sidewalk.
- c. Businesses that have a hanging sign may not have a blade sign.

or canopy.



## 6. WINDOW SIGNS

Definition: A window sign is painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors, which is intended to be viewed from the outside.



Regulations:

- a. Window signs shall not exceed one third of the first floor window area so that visibility into and out of the window is not obscured.
- b. Sign copy shall not exceed eight inches in height.
- c. Window signs should be applied directly to the interior face of the glazing or hung inside the window to conceal all mounting hardware and equipment.
- d. Businesses on upper floors may also have window signs, provided that such signs do not exceed one third of the upper floor window area.

## 7. PLAQUE SIGNS

Definition: A plaque sign is a small version of a wall sign that is attached to surfaces adjacent to store

Regulations:

- a. Plaque signs shall have a maximum area of 2 square feet.
- b. Plaque signs may project a maximum of three inches from wall surfaces.

entries or tenant entries.



#### 8. RESTAURANT MENU SIGNS

**Definition:** A restaurant menu sign is a sign that incorporates a menu for the restaurant. The purpose of restaurant menu signs is to assist customers in finding a restaurant they would like to patronize.



**Regulations:**

- a. The maximum area for menu signs is 6 square feet.
- b. Menu signs shall be located in a permanently mounted display box on the surface of the building adjacent to the entry or on a stand.

#### 9. TENANT DIRECTORY SIGNS

**Definition:** A tenant directory sign is used to identify tenants and businesses in a multi-tenant building, often for tenants that do not have direct frontage on a public street. Such tenants can be located in second story space, or in portions of the building that do not front on a street. Tenant directory signs are oriented

**Regulations:**

- a. The maximum area for a tenant directory sign is 12 square feet.
- b. Tenant directory signs shall be mounted flat against a solid wall proximate to a common building entrance serving tenants listed on the directory sign, or on a freestanding sign located on the property on which the tenants are located.
- c. The maximum height for a freestanding tenant directory sign shall be 8 feet.
- d. Tenant directory signs may include the following:

toward the pedestrian.



building or project name, project logo, address, business tenant names, and suite numbers or letters.

#### 10. POLE SIGNS

**Definition:** A pole sign is a type of freestanding sign that is elevated above the ground on one or more poles or braces.



**Regulations:** One pole sign shall be permitted for businesses that occupy buildings in existence at the time of adoption of this provision, subject to compliance with the following criteria:

- The maximum area of any such sign shall be 32 square feet.
- The maximum height of any such sign shall be 20 feet.
- Pole signs shall be permitted only in the following two situations:
  - Because of the size of the site, configuration of the building relative to other site features, or design of the building, there is no possible way to place a conforming wall sign on the building; or
  - There is a desire to preserve an existing pole sign that has historic value.

#### 11. SANDWICH BOARD SIGNS

**Definition:** A sandwich board sign is an "A-frame" shaped sign that identifies or advertises a place of business. A sandwich board sign typically consists of two sign boards that are hinged together at the top on which the changeable message is imprinted.



**Regulations:** Sandwich board signs shall be subject to the regulations in subsection 16.05.G.

## 12. VERTICAL PROJECTING SIGNS

**Definition:** A vertical projecting sign is a sign that is attached perpendicularly to the face of a building and

**Regulations:**

- a. The sign's vertical dimension shall be greater than its horizontal dimension.
- b. Projecting signs shall maintain a minimum vertical clearance of 10-feet between the lowest point of the sign and the sidewalk.
- c. Mounting hardware shall be an integral part of the sign design.
- d. Businesses that have a projecting sign may not have a blade sign.
- e. A vertical projecting sign shall have a maximum area of 32 square feet.
- f. Vertical projecting signs shall project no more than 3 feet from the face of the building.
- g. On multistory buildings, vertical projecting signs are permitted on the first or second stories only.
- h. Projecting signs shall not extend above the top of the roof or parapet line.

projects more than 12 inches from the wall surface.



- G. *Temporary signs.* A temporary sign is one that has not been constructed and is not intended for long-term use. The following temporary signs shall be permitted in the New Hudson Zoning District, subject to the standards in subsection 16.05.C:
1. Construction signs.
  2. Real estate signs (all types).
  3. Grand opening signs.
  4. Garage sale signs.
  5. "Coming soon" signs.
  6. Community special event signs (including yard signs).
  7. Political signs.
  8. Temporary window signs.
  9. Real estate bandit signs.
  10. Noncommercial message signs.
  11. Real estate open house signs.
  12. "Model Open" flag signs.
  13. Balloons.
  14. Searchlights.
  15. Banner signs.
  16. Feather banner signs.
  17. "Help Wanted" signs.
- H. *Incidental signs.* Incidental signs, as defined in section 16.03, are permitted exempt signs, provided that the total area of all such signs shall not exceed two square feet.



- I. *Sight lines for motorists.* All signs shall comply with the requirements for unobstructed motorist visibility in section 12.09.

13. ELEVATED GROUND SIGN	
<p><u>Definition:</u> An elevated ground sign is a type of freestanding sign where the sign face is elevated above the ground on two posts or poles.</p>	<p><u>Regulations:</u></p> <ul style="list-style-type: none"> <li>a. A maximum of one ground sign shall be permitted per parcel.</li> <li>b. A ground sign shall not be permitted on the same site as a projecting sign or pole sign.</li> <li>c. The maximum area of any such sign shall be 20 square feet.</li> <li>d. The maximum height of any such sign shall be six feet.</li> <li>e. No part of the sign or sign support shall be closer than five feet to a street right-of-way line.</li> <li>f. No part of the sign or sign support shall be closer than five feet to any property line, except where an adjoining parcel is occupied by a ground floor residence, in which case the setback shall be 20 feet.</li> <li>g. Ground signs shall be permitted only on lots in the core sub-area only where there is an existing building that is set back at least 15 feet from the front property line.</li> <li>h. A ground sign shall not be permitted where it would obstruct parking or traffic maneuvering aisles, or obstruct the vision of drivers. Signs shall comply with the clear vision requirements in section 12.09 of the Zoning Ordinance.</li> <li>i. Ground signs may not be internally illuminated.</li> </ul>

(Ord. No. 03-14, pt. 4, 1-7-2014; Ord. No. 03-17, pt. 12, 6-5-2017; Ord. No. 05-17, § 2, 11-6-2017)

## *CHAPTER 5. DEFINITIONS*

### **Section 41.501. Defined terms.**

This chapter provides definitions for terms that are used in article 41.00. Where a definition in this chapter conflicts with a definition in article 3.00, the definition in this chapter shall prevail for the purposes of administering the New Hudson Zoning District requirements.

*Apartment:* For the purposes of article 41.00, an apartment is a dwelling unit with party walls, contained in a building with other apartment units and/or commercial, office, or retail occupants. An apartment unit may be rented or owned (e.g., a condominium unit).

*Balcony:* An open portion of an upper floor that extends beyond or indents into a building's exterior wall.

*Block:* The aggregate of private lots, rear lanes and alleys, the perimeter of which abuts perimeter streets.

*Block perimeter:* The linear distance around a block measured along the road right-of-way line or road easement line.

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*Brewpub:* An eating or drinking establishment that includes the brewing of beers as an accessory use for sale at the same premises of not more than 2,000 barrels per year. (A barrel is equivalent to 31 U.S. gallons.) Such an accessory use may occupy up to 50 percent of the gross floor area of the brewpub. The sale of alcoholic liquor by a brewpub other than produced by the brewpub is permitted, provided the appropriate license is obtained pursuant to the Michigan Liquor Control Act, as amended, MCL 436.1101 et seq.

*Buffer:* An area of land, which may include landscaping, walls, and fences, typically located between land uses of different characters and which is intended to mitigate negative impacts of the more intense land use on the less intense land use.

*Build-to zone:* A zone at the front of the lot where a front building facade must be located.

*Expression line:* A horizontal linear element extending across a facade of a building, which provides a noticeable difference of projection or recess, or change of color or material, or is a clear architectural feature of ornamentation such as a cornice. An expression line may vary significantly from building to building and in accordance with different architectural styles.

*Frontage lot line:* The lot line that coincides with the public right-of-way or edge of a space dedicated for public use. Building facades parallel to frontage lines define public space and are therefore subject to a higher level of regulation than the elevations that face other lot lines.

*Habitable space:* Building space that involves human presence with direct view of the fronting streets or public or private open space. Habitable space does not include parking garages, storage facilities, warehouses, and display windows separated from retail activity.

*Live-work unit:* A building space that combines a person's workspace with his/her living quarters, with the workspace on the ground level facing the street.

*Microbrewery:* A brewery that produces less than 20,000 barrels of ale or beer per year, and less than 10,000 barrels of alcoholic liquors per year, other than ale or beer, for on-site consumption and retail and wholesale distribution as allowed by state law. (A barrel is equivalent to 31 U.S. gallons). A microbrewery may sell only those alcoholic liquors it produces. A microbrewery is restricted to the above production limits, irrespective of less restrictive limits that may be imposed by state law.

*Multiple-family residential housing:* For the purposes of article 41.00, multiple-family residential housing consists of several attached residential units with party walls in a building.

*Personal service establishment:* A business that performs services or assistance on the premises for individuals residing in nearby residential areas, such as a beauty or barber shop, clothing or watch repair, or similar service.

*Single-family attached housing:* For the purposes of article 41.00, a single-family attached development consists of several attached residential units with party walls, where each occupant owns his or her own unit. A townhouse is a type of housing where each unit has its own front door that opens to the outdoors at ground level, and which typically has its own front and rear yards.

*Single-family detached housing:* Single-family detached units are independent, detached residential dwelling units designed for and used or held ready for use by one family only. A single-family detached dwelling shall be the only principal use on the lot on which it is located.

*Spandrel glass:* A durable glass building material that is used to cover construction materials. Spandrel glass has an opaque coating that prevents light transmission. The main purpose of spandrel glass is to enhance a building's aesthetics by creating an overall uniform appearance and giving the illusion of a window. Spandrel glass is commonly used between certain sections of a building including the area between floors, ceilings, columns, and other small or large spaces.

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*Street wall:* The primary or secondary front facade of a building that is located between the minimum and maximum front yard setbacks. The streetwall defines the street by creating a sense of enclosure and a comfortable scale for pedestrians.

*Tree lawn:* A grassed or landscaped area located between the sidewalk and the curb of the street intended to accommodate street tree planting.

(Ord. No. 03-14, pt. 4, 1-7-2014; Ord. No. 12-20, § 9, 1-4-2021)

## **ARTICLE 42.00 WP WELLHEAD PROTECTION OVERLAY DISTRICT**

### **Section 42.01. Statement of purpose.**

The purpose of the wellhead protection overlay district is to provide supplemental developmental regulations in the designated wellhead protection zone so as to protect and preserve the surface and groundwater resources of the Charter Township of Lyon and the region from any use of land or buildings that may reduce the quality and/or quantity of water resources. This wellhead protection overlay district has been created in accordance with the Lyon Township Wellhead Protection Plan drafted by AMEC Environment & Infrastructure, Inc. and Giffels-Webster Engineers (2011).

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.02. Definitions.**

As used in this article, the following words and terms shall have the meaning specified, unless the context clearly indicates otherwise:

*Aquifer.* A geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

*Discharge.* Discharge includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by law or regulation, which affects surface water and/or groundwater.

*Impervious surface.* Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

*Overlay district.* That area of the township in which special requirements and restrictions are applied to land uses and activities to eliminate or minimize contamination of the aquifers supplying the township's municipal water wells.

*Regulated substances* shall include:

1. Substances for which there is a material safety data sheet (MSDS), as established by the United States Occupational Safety and Health Administration, and the MSDS cites possible health hazards for said substance;
2. Hazardous waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended;
3. Hazardous substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations;

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4. Radiological materials; and
  5. Biohazards.

*Wellhead protection area.* The surface and subsurface area surrounding a public water supply well or well field through which contaminants, if discharged, are reasonably likely to move toward and reach the well or the well field. This area is also known as the zone of contribution (ZOC) which contributes groundwater to the well or well field.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.03. Scope of authority.**

The wellhead protection overlay district is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay district is established, the property is placed simultaneously in the two districts, and the property may be developed only under the applicable conditions and requirements of both districts. In the event there is a conflict between the requirements of the two districts, the requirements of the wellhead protection overlay district shall prevail.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.04. Creation of overlay district boundaries.**

The wellhead protection overlay district boundaries shall be established on the official township zoning map. The overlay district boundaries may be amended according to the Zoning Ordinance procedures in article 9.00.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.05. District delineation.**

- A. The wellhead protection overlay district is hereby established to include all lands within the Charter Township of Lyon, lying within the wellhead protection areas, including recharge areas of groundwater aquifers and watershed areas that lie within the wellhead protection area which now or may in the future provide public water supply. If the wellhead protection area includes a portion of the parcel, the entire parcel shall be considered to be within the wellhead protection area.
- B. Where the boundaries delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show whether the property should be located in the district. At the request of the owner(s), the township may engage the services of a qualified professional to determine more accurately the location and extent of an aquifer within the wellhead protection area. The township shall charge the owner(s) for all or a part of the investigation. The owner shall place the funds necessary into an escrow account at the township to cover the necessary fees of the qualified professional.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.06. Site plan review requirements.**

- A. *New or expanded uses and structures.* All proposed new or expanded structures or uses within in the wellhead protection overlay district, except single-family uses, shall be subject to site plan review, pursuant to article 5.00.

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- B. *Existing uses and structures.* All land uses and activities existing prior to approval the wellhead protection overlay district must conform to the site plan review standards in this article within 365 days after adoption of the wellhead protection overlay ordinance.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.07. Data requirements.**

The following data are required for site plan review in the wellhead protection overlay district, in addition to the information required by article 5.00, section 5.05 of the Zoning Ordinance:

- A. *List of regulated substances.* A complete list of chemicals, pesticides, fuels and other regulated substances to be used or stored on the premises. Businesses that use or store such regulated substances shall file a management plan with the fire chief. The management plan shall include the following, at minimum:
1. Provisions to protect against the discharge of regulated substances or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures.
  2. Provisions for indoor, secured storage of regulated substances and wastes with impervious floor surfaces.
  3. Evidence of compliance with the rules and regulations of the Michigan Department of Environment, Great Lakes, and Energy.
  4. Drainage recharge features and provisions to prevent loss of recharge.
  5. Provisions to control soil erosion and sedimentation, soil compaction, and to prevent seepage from sewer pipes.
- B. *Service facilities and structures.* Location of existing and proposed service facilities and structures, above and below ground, including:
1. General location of the site within the wellhead protection overlay district.
  2. Areas to be used for the storage, loading/unloading, recycling, or disposal of regulated substances, including interior and exterior areas.
  3. Underground storage tank locations.
  4. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- C. *Water resources.* Location of existing wetlands and watercourses, including ponds and streams on or within a quarter mile of the site.
- D. *Soils.* Soil characteristics of the site, at least to the detail provided by the natural resources conservation service.
- E. *Topography.* Existing topography of the site, with a maximum contour interval of two feet.
- F. *Existing contamination.* Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site clean-up.
- G. *EGLE checklist.* Completion of a Michigan Department of Environment, Great Lakes, and Energy (EGLE) checklist, indicating the types of environmental permits and approvals that may be needed for the project.

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(Ord. No. 05-12, pt. 2, 8-6-2012; Ord. No. 12-20, § 10, 1-4-2021)

### **Section 42.08. Permitted principal uses.**

The following uses shall be permitted in the wellhead protection overlay district, provided they comply with all applicable restrictions and standards specified in this article:

- A. Single-family residential uses.
- B. Residential accessory uses, including garages, driveways, private roads, utility rights-of-way, and on-site wastewater disposal systems (i.e., septic systems).
- C. Agricultural uses such as farming, grazing and horticulture.
- D. Forestry and nursery uses.
- E. Outdoor recreation uses, including fishing, boating and play areas.
- F. Conservation of water, plants and wildlife, including wildlife management areas.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.09. Conditional uses.**

The following uses may be permitted subject to conditions specified for each use, review and recommendation by the planning commission and approval by the township board, and subject further to any special conditions that are necessary to fulfill the purposes of this Ordinance, and the provisions set forth in article 6.00:

- A. Commercial, industrial, governmental or education uses which are allowed in the underlying district, and which are not prohibited in section 42.11.
- B. Any enlargement, intensification, alteration, or change of use of an existing commercial, industrial, governmental or education use.
- C. The rendering impervious of more than 15 percent or 2,500 square feet of any parcel, whichever is less, provided that a system for artificial recharge of precipitation to groundwater is developed, which shall not result in degradation of the groundwater.
- D. The mining or excavation for removal of earth, loam, sand, gravel and other soils or mineral resources, provided that such excavation shall not extend closer than five feet above the historical high groundwater table (as determined from on-site monitoring wells and historical water fluctuation data compiled by the United States Geological Survey). One or more monitoring wells shall be installed by the property owner to verify groundwater elevations. This subsection shall not apply to excavations incidental to permitted uses, including but not limited to, installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.
  - 1. Upon completion of earth removal operations, all altered areas shall be restored with topsoil and vegetative plantings suitable to control erosion on the site.
  - 2. All fine materials, such as clays and silts, removed as part of the earth removal operation and leftover as by-products, shall be disposed of off-site to prevent damage to aquifer recharge characteristics.
- E. The storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for removal of ice and snow on roads, provided such chemicals are covered and located on a paved

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surface with berms, or within a structure designed to prevent the generation and escape of contaminated runoff.

- F. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials provide that such materials are stored in accordance with the manufacturer's label instructions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and that they are used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices" and all other necessary precautions are taken to minimize adverse impact on surface and groundwater.
- G. The storage of commercial fertilizers and soil conditioners provided such storage shall be within structures designed to prevent the generation and escape of contaminated runoff or leachate.
- H. All liquid regulated substances, provided such materials must be stored either in a freestanding container within a building, or in a freestanding container above ground level with protection to contain a spill the size of the container's total storage capacity.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.10. Conditions.**

In addition to section 42.09, Conditional uses, shall comply with the following:

- A. The township board may grant conditional use approval only upon finding that the proposed use meets to the following standards:
  - 1. In no way, during construction or thereafter, shall a project adversely affect the quality or quantity of water that is available in the wellhead protection overlay district.
  - 2. The project shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and water-related natural characteristics of the site to be developed.
- B. The township board shall not approve a conditional use under this section unless the petitioner's application materials include, in the board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards of this section.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.11. Prohibited uses.**

The following uses are prohibited in the wellhead protection overlay district:

- A. Business and industrial uses that generate, use, treat, process, store, or dispose of regulated substances, including but not limited to, metal plating, chemical manufacturing, wood preserving, and dry cleaning factory, except for the following:
  - 1. Generators of a very small quantity of regulated substances (less than 20 kilograms or six gallons per month), subject to special land use review.
  - 2. Municipally-operated or sanctioned household waste collection stations.
  - 3. Waste oil retention facilities.
  - 4. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities have been approved by the Michigan Department of Environmental Quality.

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- B. Business and industrial uses that dispose of process wastewater on-site.
  - C. Solid waste landfills, dumps, landfilling, spreading or storage of sludge or septage, with the exception of disposal of brush or stumps.
  - D. Storage of liquid petroleum products of any kind, except for the following:
    - 1. Storage that is incidental to:
      - a. Normal household use and outdoor maintenance or the heating of a structure.
      - b. Use of emergency generators.
      - c. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities has been approved by the Michigan Department of Environmental Quality.
    - 2. Replacement of storage tanks and systems for the keeping, dispensing or storing of gasoline, which existed at the time of adoption of this article, provided that:
      - a. All such replacement storage tanks or systems shall be located underground as required by the Michigan Department of Environmental Quality.
      - b. All such storage systems shall be protected by a secondary containment system as specified by the Michigan Department of Environmental Quality.
      - c. The fire chief may deny an application for tank replacement, or approve it subject to conditions if he/she determines that it would constitute a danger to public or private water supplies.
  - E. Outdoor storage of salt, de-icing materials, pesticides or herbicides.
  - F. Dumping or disposal on the ground, in waterbodies, or in residential septic systems of any toxic chemical, including but not limited to, septic systems cleaners which contain toxic chemicals such as methylene chloride and 1-1-1 trichlorethane, or other household regulated substances.
  - G. Stockpiling and disposal of snow or ice removed from highways and streets located outside of the wellhead protection overlay district that contains sodium chloride, calcium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.
  - H. Sewage disposal systems that are designed to receive more than 110 gallons of sewage per quarter acre per day or 440 gallons of sewage per acre per day, whichever is greater, provided that:
    - 1. The replacement or repair of an existing system shall be exempted if it does not result in an increase in design capacity above the original design.
    - 2. In calculating the maximum sewage disposal system density, it shall be assumed that each single-family-residential home will generate 280 gallons of sewage per day.
    - 3. The maximum sewage disposal system density may computed using the following method:
      - a. On an individual per lot basis (i.e., a single-family home typically generates 280 gallons of sewage per day, creating the need for a minimum lot area of three-fourths acre.In addition to meeting the above standards, all lots shall conform to any applicable minimum lot size requirements specified in article 26.00 of the Zoning Ordinance.
  - I. Wastewater treatment works, except the following:
    - 1. The replacement or repair of an existing system that will not result in a design capacity greater than the design capacity of the existing system.



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2. The replacement of an existing subsurface sewage disposal system with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system.
  3. Treatment works designed for the treatment of contaminated ground or surface waters.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.12. Miscellaneous requirements.**

The following requirements shall apply to all uses in the wellhead protection overlay district:

- A. *Drainage.* For commercial and industrial uses, runoff from impervious surfaces shall not be discharged directly to drains, streams, ponds, or other surface waterbodies. Oil, grease and sediment traps shall be used to facilitate removal of contamination. Forebays/sediment basins and other requirements shall be adhered to per the township engineering design standards.
- B. *Discharge of regulated substances.* The property owner shall prevent the discharge of regulated substances.
  1. Upon discovery of a discharge within the wellhead protection area, the owner of the property on which a discharge occurred, as well as the person responsible for the discharge if they are not the same, shall take appropriate reasonable actions to mitigate the potential impact of the discharge on the groundwater and remediate the discharge. Remediation shall be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a regulated substance discharge must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than 90 days must be reported to, and approval obtained from, the township supervisor or his/her designee.
  2. All discharges shall be documented in writing and mailed to the township supervisor or his/her designee within ten business days of said incident. Initial discharge notification shall include, at a minimum, the following:
    - a. Location of the discharge (name, address and phone);
    - b. Reporting party's name, address and phone (if different from above);
    - c. Emergency contact and phone;
    - d. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) discharged;
    - e. Map showing exact discharge location, and relevant site features (i.e., paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
    - f. All measures taken to clean up the discharge; and
    - g. All measures proposed to be taken to reduce and prevent any future discharge.
  3. The township supervisor or his/her designee shall determine if and where any additional investigative work needs to be completed to assess the potential impact of the discharge. The owner or operator shall retain a copy of the written notice for at least three years.

(Ord. No. 05-12, pt. 2, 8-6-2012)

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### **Section 42.13. Enforcement.**

- A. Whenever the township supervisor or his/her designee determines that a person has violated a provision of this Ordinance, the township supervisor or his/her designee may order compliance by issuing a written notice of violation to the responsible person/facility.
- B. If the township supervisor or his/her designee requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the township, with the resulting expense thereof charged to the violator and the expenses may be assessed onto the property if the property owner is also the violator.

(Ord. No. 05-12, pt. 2, 8-6-2012)

### **Section 42.14. Variance/appeal rights.**

- A. If an owner of property within a wellhead protection area believes the requirements of this Ordinance impose an unreasonable burden on the use of the owners property, the owner may seek a variance from the Charter Township of Lyon Zoning Board of Appeals ("ZBA") in any appeal to the ZBA, the township consulting engineer shall assist the ZBA for purposes of a variance request or of appeal rights. Such a request must be in writing with enough detail to allow the township consulting engineer to assist the ZBA for purposes of a variance request or of appeal rights, to understand the situation and proposed variance. If the township consulting engineer determines that additional information is needed, the request for additional information shall be made within 15 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request a hearing in front of the ZBA. The ZBA shall grant, deny, or partially grant the request in writing. A grant, partial or complete, may relieve the property owner from strict compliance of this Ordinance. Reasonable conditions may be imposed by the ZBA as part of such a grant. The ZBA shall be guided by the primary goal of protecting the township's wellhead protection area without creating undue hardship upon the property owners affected.
- B. Any person receiving a notice of violation may appeal the determination by submitting a written notice of appeal to the Charter Township of Lyon Zoning Board of Appeals. The notice of appeal must be received by the zoning board of appeals within 30 days from the date of the notice of violation, with enough detail to allow the township's consulting engineer, as a staff representative to the ZBA to understand the situation. Within 30 days of the receipt of such an appeal, the township consulting engineer shall issue a written response to the appeal to the applicant and to the ZBA, unless the township consulting engineer has requested additional information, in which case the township consulting engineer's response shall be issued within 30 days of receipt of the information. The zoning board of appeals shall affirm, reverse or modify the notice of violation being appealed in writing.
- C. If the person who has made a variance request or an appeal of a notice of violation does not agree with the decision of the ZBA, said person may appeal the matter by filing an action in the Oakland County Circuit Court, which may affirm, reverse or modify the decision being appealed. Such an appeal must be filed within 30 days of the written decision of the ZBA or within the time period required by Michigan General Court Rules, whichever has the shortest appeal period.

(Ord. No. 05-12, pt. 2, 8-6-2012)

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**Section 42.15. Abatement/remedial activities by the township.**

- A. The township is authorized to take or contract with others to take reasonable and necessary abatement or remedial activities whenever the township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the township for all expenses thus incurred by the township.
- B. If the township desires the responsible party to reimburse it for the abatement activity expenses, the township, shall within 90 days of the completion of such activities mail to that person a notice of claim outlining the expenses incurred, including reasonable administrative costs, and the amounts thereof. The person billed shall pay said sum in full within 30 days of receipt of the claim. If the person billed desires to object to all or some of the amount sought by the township, said person may file, within the same 30-day period, a written objection so stating. The township shall, within 30 days of its receipt of the objection, provide an opportunity for the objecting party to present facts or arguments supporting said objection. If the township determines that some or the entire amount originally billed is appropriate, the person shall pay said sum within 30 days of receipt of that determination. If the amount due is not timely paid, the township may cause the charges to become a special assessment against the property and shall constitute a lien on the property. In the alternative, the township may attempt collection of the sum due by filing a civil lawsuit.

(Ord. No. 05-12, pt. 2, 8-6-2012)

**Section 42.16. Injunctive relief.**

If a person has violated or continues to violate the provisions of this Ordinance, the township may petition the appropriate court for injunctive relief restraining the person from activities abatement or remediation.

(Ord. No. 05-12, pt. 2, 8-6-2012)

**Section 42.17. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil infraction to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the township.

(Ord. No. 05-12, pt. 2, 8-6-2012)

**Section 42.18. Criminal prosecution.**

Any violation of this Ordinance shall be considered a misdemeanor, punishable by a fine of not more than \$500.00, or imprisonment of not more than 90 days. Each day a violation exists shall be deemed a separate violation. A citation charging such a misdemeanor may be issued by the township supervisor, his or her designee, the township's ordinance enforcement officer or the sheriff's department.

(Ord. No. 05-12, pt. 2, 8-6-2012)

**Section 42.19. Remedies not exclusive.**

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the township to seek cumulative remedies.

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(Ord. No. 05-12, pt. 2, 8-6-2012)

## **ARTICLE 43.00 MU MIXED USE DISTRICT**

### **Section 43.01. Statement of purpose.**

The mixed use district provides for the development or redevelopment of land to facilitate a transition to an urban pattern described in the master plan. Development should consist of office, residential, institutional, and limited commercial uses. Two-story buildings with retail or office uses on the ground level and residential or office above is an appropriate form for mixed uses in this district.

The mixed use district is further intended to:

- A. Encourage innovative development based on the principles of new urbanism, which promote walkability, simple and accessible transportation, mixed land uses, and quality design and neighborhood structure, leading to an environment which promotes a high quality of life.
- B. Reinforce physical, visual, and spatial features through the consistent use of urban design standards. Such design standards shall harmoniously relate the design features of structures and developments to each other, resulting in a coherent overall pattern of development where uses are compatible with each other.
- C. Encourage efficient use of land and public services by promoting a compact settlement pattern and mixed use.
- D. Discourage the development of businesses that contribute to traffic congestion, such as drive-in and drive-through businesses, automobile service stations, and new and used vehicles sales or service establishments.
- E. Encourage shared parking facilities designed to accommodate the needs of several uses, with emphasis on access to parking areas from side streets.
- F. Discourage businesses that create objectionable noise, odors, or glare or otherwise detract from the harmonious character of the district.
- G. Provide for development along Milford Road that complements and supports development in the New Hudson Zoning District.

(Ord. No. 05-16, pt. 2, 6-6-2016)

### **Section 43.02. Permitted uses and structures.**

- A. *Principal uses and structures.* In all areas zoned MU, mixed use district, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses, unless otherwise permitted in the Ordinance:
  1. Business and office uses, which may occupy a building used for residential purposes, provided that:
    - a. No business or office use shall be located on the same floor that is used for residential purposes, with the exception of legal home occupations.
    - b. No floor may be used in whole or in part for business or office use on a floor located above a floor used for residential purposes.

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- c. Where there are non-residential and residential uses in a building, the residential uses shall be provided with separate, private entrances.
  - d. Thirty percent of the net parcel area shall be open space. The net parcel area is the total area of the parcel, exclusive of any abutting public street rights-of-way or private road easements.
2. Retail businesses.
  3. Financial institutions, such as banks, credit unions, and savings and loan associations.
  4. Veterinary clinics and hospitals for the care of small animals, subject to the provisions in section 19.02, subsection FF.
  5. Research, development, design, testing, technical training, and related activities for industrial, scientific, educational, and business enterprises.
  6. Indoor commercial recreational facilities, subject to section 19.02, subsections Z and LL.
  7. Personal service shops, including, but not limited to: repair shops (such as watch, radio, television, shoe repair, and home appliance), tailor and dressmaking shops, beauty and barber shops, photographic studios, and dry cleaning establishment (but not including dry cleaning plants).
  8. Standard restaurants (except drive-ins and drive-throughs), taverns and bars, where the patrons are served while seated within the building occupied by the establishment.
  9. Take-out food and beverage sales when accessory to a full-service restaurant, provided that the area occupied by the take-out service shall not exceed 25 percent of the net floor area of the principal use.
  10. Brewpubs, subject to the requirements in section 19.02, subsection MM.
  11. Assembly halls, display halls, banquet halls, and similar places of assembly.
  12. Outdoor cafes, outdoor eating areas, subject to the provisions in Section 19.02, subsection X.
  13. Plazas, parks, and public gathering places. A farmers market may be permitted as an accessory use, subject to administrative approval.
  14. Corporate education and training facilities.
  15. Executive, administrative, professional, medical, and dental offices.
  16. Multiple-family housing, which may be in the form of townhouses, apartments, brownstone apartments, or similar configuration, provided that 30 percent of the net parcel area shall be open space.
  17. Residential care facilities.
  18. Senior housing, subject to the standards in section 19.03, subsection D.
  19. State licensed residential facility which provides resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 16g of Michigan Public Act 110 of 2006, as amended.
  20. Essential services, subject to the provisions in section 12.14.
  21. Uses and structures accessory to a permitted principal use, subject to the provisions in article 18.00.
- B. *Special land uses.* The following uses may be permitted by the township board, subject to the conditions specified for each use; review and approval by the planning commission and township board; any special conditions imposed by the planning commission or township board that are necessary to fulfill the purposes of this Ordinance; and the provisions in article 6.00:

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1. New single family detached dwelling units. (Special use approval shall not be required for renovation of a single family dwelling in existence at the time of adoption of this article, provided that such renovation is in compliance with the adopted building code.).
  2. Uses and structures accessory to a permitted special land use, subject to the provisions in article 18.00.
- (Ord. No. 05-16, pt. 2, 6-6-2016)

### **Section 43.03. Development standards.**

Buildings and uses in the MU, mixed use district, except for single family detached dwellings, shall comply with the following requirements.

- A. *Building entrances.* The main public entrance of the structure shall be oriented toward the road on which the structure fronts. If the site is on a corner, it may have its main public entrance oriented to either road. No overhead doors are permitted facing a road. If necessary, in larger developments a mid-block passageway shall be constructed to provide access from parking areas to main entrances.
- B. *Facade design.* All non-residential building facades that face a street shall conform to the following design criteria:
  1. *Windows.* The following requirements apply to facades of buildings facing a public street or public space such as a plaza or square:
    - a. *Window materials.*
      1. Front facing windows must be clear non-reflective glass. The use of tinted glass or plexi-glass is prohibited. On side or rear facades that exceed 30 feet in length, the planning commission may approve the use of spandrel glass to create visual interest.
      2. Curtains or blinds are permissible for second story windows or where a first floor residential use exists. Curtains or shades are discouraged for first floor offices, because they eliminate the "eyes on the street" for purposes of first floor transparency. If window coverings must be used on the first floor to prevent glare, then adjustable solar shades are an acceptable alternative.
    - b. *Ground floor facade transparency.*
      1. All buildings with first floor nonresidential uses shall provide a minimum of 30 percent transparency between two and eight feet above grade level on the first floor facade. Door and window glass provides transparency, but must be see-through and not frosted, beveled, spandrel, covered with paper, or otherwise obscuring the inside view of the building from the street.
  2. *Exterior Building materials.* Buildings in the mixed use district shall comply with the following building material requirements:
    - a. *Primary building materials.* Primary exterior building materials shall be brick, wood siding, or synthetic building materials that convincingly match the appearance of natural building materials. Vinyl siding is permitted as a primary building material for residential buildings provided that it is premium grade. Concrete block or similar masonry units (including CMU or split-faced block) are prohibited as a primary building material. Exterior insulating finish systems (EIFS) and similar materials may not be used as a primary building material. Primary building materials shall be used on a minimum of 70 percent of the facade of the building (excluding doors and windows).

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- b. *Accent building materials.* Accent materials may be used on up to 30 percent of the facade area of the building (excluding doors and windows). Acceptable accent materials include decorative precast concrete block, custom metal panels, and glass. Building materials such as EIFS may be used as accent building materials on up to ten percent of the total wall area of any facade, but may not be used below 11 feet in height.
        - c. *Prohibited building materials.* The use of aluminum and steel siding, mirrored glass, and plastic is prohibited. Use of steel siding to screen rooftop HVAC equipment is permitted.
      - 3. *Architectural guidelines.* Traditional architecture is favored, rather than radical design themes, structures and roof forms, which would draw unnecessary attention to the buildings. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance.
    - C. *Side or rear facade design.* Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:
      - 1. Materials and architectural features similar to those present on the front of the building shall be used on the side or rear facade.
      - 2. Dumpster completely screened in accordance with section 12.12. In addition, service areas shall be screened with a landscape hedge, a fence, a wall, or a combination thereof.
      - 3. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs, and trees, provided that sufficient light penetrates into the space.
    - D. *Awnings.* Awnings shall be permitted on buildings as follows:
      - 1. All awnings must be made from canvas fabric or similar water- and UV light-proof material, rather than metal, aluminum, plastic, or rigid fiberglass. However, awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials where they will add diversity and interest to the facade, and only if the design and materials are consistent with the overall design of the building.
      - 2. All awnings shall be attached directly to the building, rather than supported by columns or poles.
    - E. *Lighting.* Exterior lighting shall comply with the requirements in section 12.11.
    - F. *Parking.* Parking and parking lot design shall comply with the following standards, in addition to the provisions of article 14.00.
      - 1. No new parking lot shall be created nor any existing parking lot expanded in front of a building. New or expanded parking lots on the interior of the lots shall be located to the rear or side of the buildings, accessed by means of common driveways, preferably from side streets or lanes. Parking lots shall be small in scale where possible, and connected with parking lots on adjacent properties. Cross-access easements and maintenance agreements for adjacent lots with connected parking lots shall be required. Common, shared parking facilities are encouraged. Required parking may be accommodated off-site in common, shared parking facilities located less than 500 feet from the site.
      - 2. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of article 14.00.
      - 3. The maximum number of parking spaces that may be provided is 120 percent of the minimum number of spaces required in article 14.00. Where shared parking is proposed, the planning

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commission may reduce the number of required spaces upon analyzing the parking demands and finding that the parking demands of the uses served do not overlap.

4. The parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate, shall be distinguished by textured paving and shall be integrated into the pedestrian network system. Pavement textures shall be required on pedestrian access ways, and are strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.
- G. *Building setbacks.*
1. *Residential uses.* Residential buildings shall comply with the following setback requirements:
    - a. The minimum front setback shall be 20 feet and the maximum front setback shall be 40 feet.
    - b. The minimum side setback shall be 15 feet.
    - c. The minimum rear setback shall be 30 feet.
  2. *Non-residential uses.* Non-residential buildings, including those with a residential component, shall comply with the following setback requirements:
    - a. The minimum front setback shall be five feet and the maximum front setback shall be 25 feet.
    - b. The minimum side setback shall be five feet, or if the structure faces another structure with windows or doors or is adjacent to a residential district, the setback shall be a minimum of 15 feet. A landscape buffer having a minimum width of 15 feet shall be provided adjacent to property zoned or used for residential purposes. The landscape buffer shall contain plants having sufficient height to screen trucks and overhead doors.
    - c. The minimum rear setback shall be 20 feet. A landscape buffer having a minimum width of 15 feet shall be provided adjacent to any property zoned or used for residential purposes.
- H. *Landscaping.*
1. Structures shall be provided with landscaping along their foundations. The landscaped area must be at least three feet in depth and must be planted with at least one shrub per 3 lineal feet of foundation.
  2. One deciduous street tree shall be planted for every 40 feet of frontage or fraction thereof. Spacing of street trees shall consider the locations of trees on adjoining parcels, with the goal of providing uniform spacing between trees.
- I. *Service Access.* A service alley or designated loading space shall be reserved at the rear of the building.
- J. *Signs.* Uses shall comply with the sign requirements in article 16.00.
- K. *Sidewalks and Sidewalk Displays.*
1. A concrete sidewalk having a minimum width of five feet shall be required along the front of every parcel for all development that requires site plan review. The sidewalk shall be located in the road right-of-way, generally one foot from the right-of-way line.
  2. Sidewalks shall be provided to connect the public sidewalk to the building on each site.
  3. Sidewalk displays shall be permitted directly in front of an establishment, provided at least five feet of clearance is maintained along pedestrian circulation routes.



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- a. Displays shall be located against the building wall and shall not be more than two feet deep. Displays shall not encroach more than two feet into the sidewalk. The display area shall not exceed 50 percent of the length of the store front.
  - b. Displays shall be permitted only during normal business hours, and shall be removed at the end of the business day. Cardboard boxes shall not be used for sidewalk displays.
  - c. Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the character of the storefront from which the business operates.
- L. *Courtyards and plazas.* Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed for function, to enhance surrounding buildings and provide amenities for users, in the form of textured paving, landscaping, lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate. Courtyards shall have recognizable edges defined on at least three sides by buildings, walls, elements of landscaping, and elements of street furniture, in order to create a strong sense of enclosure. For residential buildings, any facade that faces a courtyard shall have the same design features as the front facade.
- M. *Mechanical equipment.* All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices, or landscaping. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.
- N. *Outdoor storage.* No outside storage shall be permitted in the mixed use district.
- O. *Site plan review.* Site plan review and approval is required for all uses in the mixed use district pursuant to article 5.00.
- P. *Area, height, bulk, and placement requirements.* Buildings and uses in the MU, mixed use district are subject to the area, height, bulk and placement requirements in article 36.00, schedule of regulations, unless otherwise noted herein.
- Q. *Planned development.* Planned development may be permitted as a means to achieve the intent of the mixed use district, pursuant to the guidelines in article 7.00.

(Ord. No. 05-16, pt. 2, 6-6-2016)

## **ARTICLE 44.00 WOODSIDE OVERLAY DISTRICT**

### **Section 44.01. Statement of purpose.**

The purpose of the Woodside overlay district is to establish a set of regulations that are consistent with the established development pattern of the Woodside Acres subdivision. The intent of the regulations in this overlay district is to encourage continued investment in the well-established subdivision, where the platted lots are smaller in size and setbacks than the township's other single-family residential districts. The overlay district is intended to regulate dimensional and placement standards only, while retaining the same permitted uses of the underlying zoning district.

(Ord. No. 02-21, § 1, 2-1-2021)

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### **Section 44.02. Scope of authority.**

The Woodside overlay district is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay district is established, the property is placed simultaneously in the two districts, and the property may be developed only under the applicable conditions and requirements of both districts. In the event there is a conflict between the requirements of the two districts, the requirements of the Woodside overlay district shall prevail.

(Ord. No. 02-21, § 1, 2-1-2021)

### **Section 44.03. Creation of overlay district boundaries.**

The Woodside protection overlay district boundaries shall be established on the official township zoning map. The overlay district boundaries may be amended according to the zoning ordinance procedures in article 9.00.

(Ord. No. 02-21, § 1, 2-1-2021)

### **Section 44.04. Development standards.**

Buildings and uses in the Woodside overlay district shall be subject to the following standards:

- A. Minimum lot size: 9,800 square feet.
- B. Minimum lot width: 70 feet.
- C. Side yard setback: Ten feet.
- D. Corner lots in this district shall have one front yard. The front yard shall be the platted front lot line, typically the narrow frontage of the established platted lots.

(Ord. No. 02-21, § 1, 2-1-2021)

## ***ARTICLE 51.00 ADMINISTRATIVE ORGANIZATION***

### **Section 51.00. Overview.**

The township board of trustees or its duly authorized representative as specified in this article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following township entities:

- A. Township board of trustees.
- B. Township planning commission.
- C. Zoning board of appeals.
- D. Zoning enforcement officials, including the building official and township planner.

The purpose of this part of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

## ***ARTICLE 52.00 TOWNSHIP BOARD OF TRUSTEES***

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## **Section 52.01. Responsibilities and authority.**

The township board of trustees shall have the following responsibilities and authority pursuant to this Ordinance:

- A. *Adoption of Zoning Ordinance and amendments.* In accordance with the intent and purposes expressed in the preamble to this Ordinance, and pursuant to the authority conferred by Michigan Zoning Enabling Act (MCL 125.3606 et seq.), as amended, the township board of trustees shall have the authority to adopt this Ordinance, as well as amendments previously considered by the planning commission or at a hearing or as decreed by a court of competent jurisdiction.
- B. *Review and approval of plans.*
  - 1. Township board review and approval shall be required for all special land uses, in accordance with section 6.02, subsection C.
  - 2. Township board review and approval shall be required for all planned developments, in accordance with section 7.04.
- C. *Setting of fees.* In accordance with section 3.04 of this Ordinance, MCL 125.3406, as amended, the township board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the township board to set a fee for a specific permit or application, the appropriate township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. *Approval of planning commission members.* In accordance with Michigan Public Act 168 of 1959, as amended, members of the planning commission shall be appointed by the township supervisor with the approval of the township board.

(Ord. No. 12-20, § 11, 1-4-2021)

## **ARTICLE 53.00 TOWNSHIP PLANNING COMMISSION**

### **Section 53.01. Responsibilities and authority.**

The township planning commission shall have the following responsibilities and authority pursuant to this Ordinance:

- A. *Creation.* The township planning commission is created pursuant to Michigan Public Act 168 of 1959, as amended, the Township Planning Act. In accordance with Section 11 of Act 168, the planning commission shall have all the powers and duties provided for zoning boards created pursuant to Michigan Public Act 110 of 2006, as amended.
- B. *Membership and operation.*
  - 1. Members of the planning commission shall be appointed by the township supervisor with the approval of the township board of trustees. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the planning commission shall be in accordance with Act 168 of 1959, as amended.
  - 2. In accordance with Section 5 of Act 168, the planning commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two members upon written request to the secretary, or by the chairperson. The planning commission shall adopt

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rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

- C. *Jurisdiction.* The planning commission shall discharge the following duties pursuant to this Ordinance:
1. *Formulation of Zoning Ordinance and amendments.* The planning commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the township board of trustees.
  2. *Site plan review.* The planning commission shall be responsible for review of applications for site plan approval in accordance with article 4.00. As provided for in article 4.00, the planning commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.
  3. *Special land use review.* The planning commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with article 6.00, and making a recommendation to the township board of trustees to grant approval, approval subject to revisions, or denial of approval.
  4. *Planned development review.* The planning commission shall be responsible for holding hearings and review of all applications for planned development in accordance with article 7.00. The planning commission shall be responsible for making a recommendation to the township board of trustees to grant approval, approval with conditions, or denial of a planned development proposal.
  5. *Formulation of a basic plan.* The planning commission shall be responsible for formulation and adoption of a basic plan (ie., the Lyon Township Master Land Use Plan) as a guide for the development of the township, in accordance with Michigan Public Act 168 of 1959, as amended.
  6. *Review of matters referred by the township board.* The planning commission shall be responsible for review of plats or other matters relating to land development referred to it by the township board of trustees. The planning commission shall recommend appropriate regulations and action on such matters.
  7. *Report on operation of the Zoning Ordinance.* In accordance with Section 308 of Michigan Public Act 110 of 2006, as amended, the planning commission shall prepare an annual report to the township board of trustees on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to this Ordinance.

## **ARTICLE 54.00 ZONING BOARD OF APPEALS**

### **Section 54.01. Creation, membership, meetings.**

The township zoning board of appeals (hereinafter referred to as "ZBA") is created pursuant to Public Act 110 of 2006, as amended.

- A. *Membership and operation.*
1. *Regular members.* The ZBA shall consist of five members who shall be appointed in accordance with Section 601 of Michigan Public Act 110 of 2006, as amended, as follows:
    - a. The first member shall be a member of the planning commission.

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- b. The remaining members, and any alternate members, shall be electors of the township residing within the zoning jurisdiction of the township, and shall be representative of the population distribution and of the various interests present in the township.
      - c. Of the remaining members, one shall be a member of the township board, but may not serve as chairperson.
    2. *Terms of office.* The terms of office for members shall be for three years, except for the members who are also members of the planning commission or township board. In that case, those members shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
    3. *Alternate members.* The township board may appoint not more than two alternate members for the same term as regular members to the zoning board of appeals. If called to serve in the manner described below, an alternate member shall have the same voting rights as a regular member.
      - a. An alternate member may be called to sit as a regular member of the zoning board of appeals in the absence of a regular member.
      - b. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In this instance, the alternate member shall serve until a final decision has been made on the case.
    4. *Employees or contractors not eligible.* No employee or contractor of the township may be a member or employee of the board of appeals. No elected officer of the township may serve as chairman of the board of appeals.
    5. *Operation.* The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Act 184. The ZBA shall not conduct business unless a majority of the members of the board are present.
    6. *Removal and disqualification.* A member of the ZBA may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which they have a conflict of interest. Failure to disqualify oneself from a vote in which there is a conflict of interest constitutes malfeasance in office.
  - B. *Meetings.* Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the chairman, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the township clerk.
  - C. *Jurisdiction.* The ZBA shall have the authority outlined in section 8.02.

## **ARTICLE 55.00 ZONING ENFORCEMENT OFFICIALS**

### **Section 55.01. Building official, township planner and other enforcement officials.**

- A. *Overview.* As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the building official and other township administrative officials, the township planner, or their duly authorized assistants or representatives. In carrying out their designated

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duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance.

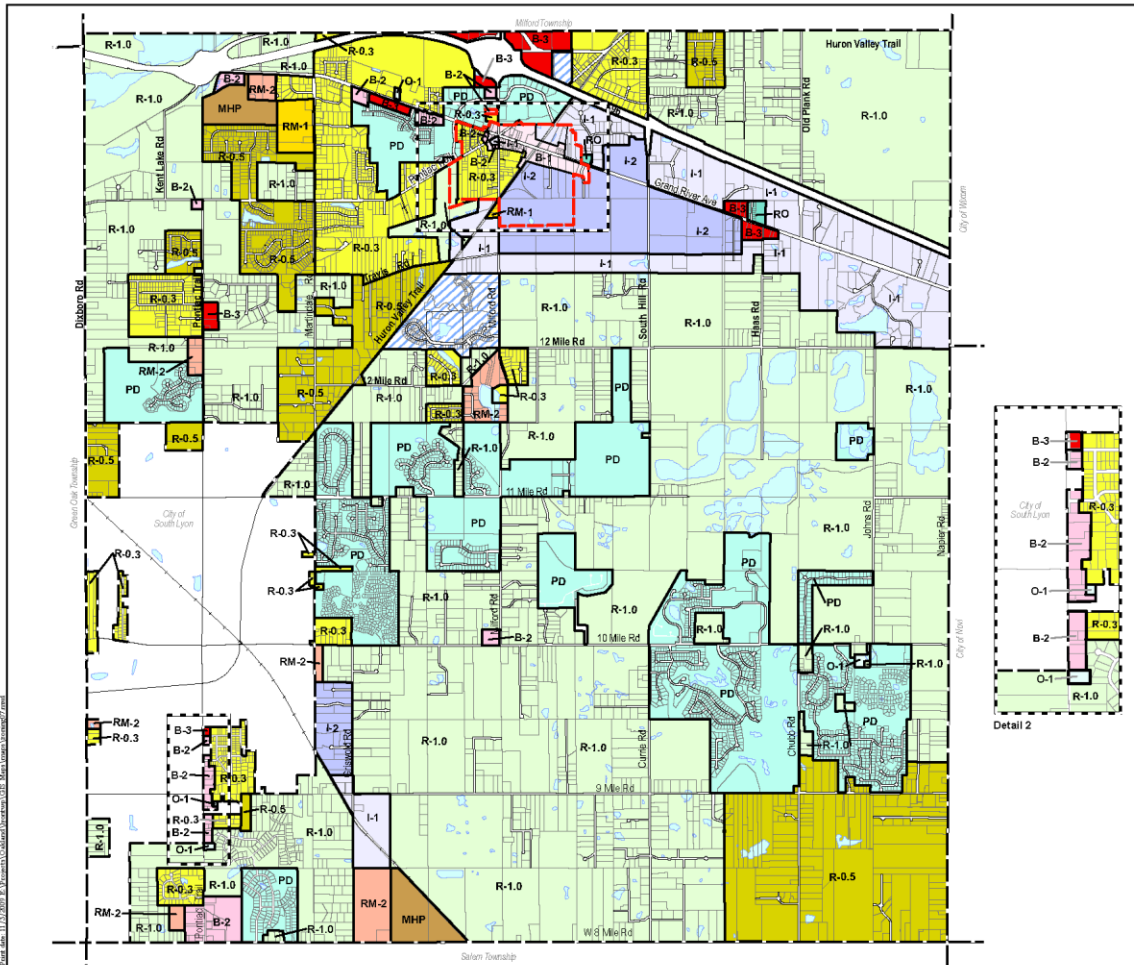
B. *Responsibilities of the building official and assistants.* In addition to specific responsibilities outlined elsewhere in this Ordinance, and in addition to specific responsibilities related to enforcement and administration of the adopted building code, the building official or his duly authorized assistants shall have the following responsibilities:

1. Provide citizens and public officials with information relative to this Ordinance and related matters.
2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
3. Review all applications for site plan review, special land use review, and planned development, and take any action required under the guidelines in articles 4.00, 6.00 and 7.00.
4. Forward to the planning commission all applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to this Ordinance, and other applications which must be reviewed by the planning commission.
5. Forward to the zoning board of appeals all materials related to applications for appeals, variances, of other matters on which the zoning board of appeals is required to act.
6. Forward to the township board all recommendations of the planning commission concerning matters on which the township board is required to take final action.
7. Periodically report to the planning commission on the status of township's zoning and planning administration.
8. Maintain up-to-date zoning map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and documents in an orderly fashion.
9. Maintain records as accurately as is feasible of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses changes.
10. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
11. Issue building or other appropriate permits when all provisions of this Ordinance and other applicable ordinances have been complied with.
12. Issue certificates of occupancy in accordance with article 10.00, when all provisions of this Ordinance and other applicable ordinances have been complied with.
13. Perform inspections of buildings, structures and premises to insure proposed land use changes or improvements are and will remain in compliance with this Ordinance.
14. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work and revoking of permits.
15. Perform other related duties required to administer this Ordinance.

C. *Responsibilities of the township planner.* In addition to specific responsibilities outlined elsewhere in this Ordinance, upon request from the township board or other authorized township body or official, the township planner shall have the following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the township and its environs, within the scope of the Michigan Planning and Zoning Enabling Acts.

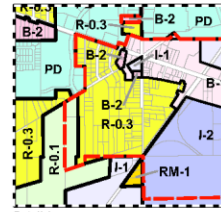
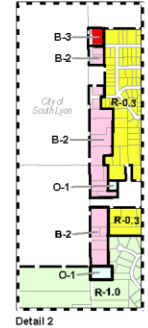
2. Advise and assist the planning commission and be responsible for carrying out the directives of the planning commission.
3. Advise and assist the township board and be responsible for carrying out the directives of the township board.
4. Provide citizens and public officials with information relative to this Ordinance and related matters.
5. Assist applicants in determining the appropriate forms and procedures related to site plan review, rezoning and other zoning matters.
6. Review all applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines in articles 4.00, 6.00 and 7.00.
7. At the request of the planning commission or township board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the township.
8. Perform other related duties required to administer this Ordinance.
9. Periodically report to the planning commission on the status of township's zoning and planning administration.
10. Perform other related duties required to administer this Ordinance.



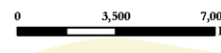
## Zoning Map

Charter Township of Lyon,  
Oakland County, Michigan

- Town Center Overlay District
- R-2.5 Agricultural-Residential District
- R-1.0 Residential-Agricultural District
- R-0.5 Single Family Residential
- R-0.3 Single Family Residential
- RM-1 Suburban Townhouse District
- RM-2 Multiple Family Residential
- MHP Mobile Home Residential District
- O-1 Office District
- B-1 New Hudson Development District
- B-2 Community Business District
- B-3 General Business District
- I-1 Light Industrial District
- I-2 General Industrial District
- P-1 Vehicular Parking District
- PD Planned Development District
- RO Research Office District
- Consent Judgment



Parcel Data Source: Oakland County GIS, December 2006  
 Road Data Source: Oakland County GIS, amended by McKenna Associates, 2006  
 Date of Adoption: November 12, 1991  
 Effective Date: December 23, 1991  
 Official Zoning Map on file at Lyon Township Office  
 Revised & Current as of: 04/02/2007



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