

Chapter 32 - ZONING

ARTICLE I. - IN GENERAL

Sec. 32-1. - Preamble.

Pursuant to the authority conferred to the township by Public Act No. 110 of 2006 (MCL 125.3101 et seq.), the board of trustees of the township hereby adopts the following regulations and restrictions on the use of land and structures for the purpose of promoting and protecting the public health, safety, and general welfare of its inhabitants. These regulations are designed to protect and conserve the character, social, and economic stability of the residential, commercial, industrial, and other use areas; to secure the most appropriate location and relationships among uses of land and structures; to limit the overcrowding of land and congestion of population; to provide adequate light, air, and reasonable access; and to facilitate adequate and economical provision of energy, transportation, water, sanitary sewer, education, recreation and public services and facilities.

(Ord. of 7-16-1992, intro.; Ord. of 3-11-2010)

Sec. 32-2. - Short title.

This chapter shall be known and may be cited as "The Charter Township of Royal Oak Zoning Ordinance" or "Township Zoning Regulations."

(Ord. of 7-16-1992, § 1.01; Ord. of 3-11-2010, § 1.01)

Sec. 32-3. - Rules of construction.

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

- (1) The particular shall control the general.
- (2) Words used in the present tense shall include the future.
- (3) Words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (4) The term "shall" is always mandatory and not discretionary. The term "may" is permissive.
- (5) The masculine gender includes the feminine and neuter.
- (6) All measurements shall be to the nearest integer, unless otherwise specified herein.
- (7) The term "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
- (8) The term "building" includes the term "structure." The term "structure" includes "building." The term "build" includes the terms "erect" and "construct." A "building" or "structure" includes any part thereof.
- (9) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- (10) Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- (11) 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:
 - a. The term "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. The term "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. The term "either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not

in combination.

- (12) Catchwords and catchlines shall in no way by their presence or absence limit or affect the meaning of this chapter.
- (13) Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this chapter, the written text shall have precedence over said illustrations.

(Ord. of 7-16-1992, § 1.02)

Sec. 32-4. - Definitions.

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

Accessory use, building, or structure means 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 book or supply store means 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 defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the 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.

Adult model studio means 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 an accredited art school or similar educational institution.

Adult motion picture arcade means any place where motion picture machines, projectors, video tape equipment 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 (as defined herein).

Adult motion picture theater means an enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) 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.

Adult outdoor motion picture theater means 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.

Adult physical culture establishment means any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:

- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
- (2) Electrolysis treatment by a licensed operator of electrolysis equipment;
- (3) Continuing instruction in martial or performing arts, or in organized athletic activities;
- (4) Hospitals, nursing homes, medical clinics, or medical offices;

- (5) Barbershops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only; and
- (6) Adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas.

Alley means a dedicated public vehicular or pedestrian way usually between or behind buildings, which affords a secondary means of access to abutting property.

Alteration means 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.

Animal hospital. See *Clinic, veterinary.*

Apartment. See *Dwelling, multiple-family.*

Arcade means any place, premises, establishment or room within a building 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. For the purposes of this definition, the term "machine" means any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term "machine" does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Automobile means, unless specifically indicated otherwise, any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile filling station means a place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation or a restaurant as an accessory use, provided it is clearly incidental to the filling station use. Parking requirements for filling station/convenience store or restaurant operations shall be computed by adding together the parking space requirements for each separate use.

Automobile or vehicle dealership means a building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

Automobile repair means the major or minor repair of automobiles defined as follows:

- (1) Minor repair means engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing of the automobiles on the premises overnight.
- (2) Major repair means engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust-proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing of the automobiles on the premises overnight.

Automobile repair garage means an enclosed building where major automobile repair services may be carried out.

Automobile service station means a place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

Automobile wash or car wash establishment means an establishment contained within a building or premises or portion thereof where automobiles are washed.

Basement.

- (1) The term "basement" means that portion of a building which is partially or totally below grade, but is so located that

the vertical distance from the average finished grade to the floor below is greater than the vertical distance from the average finished grade to the ceiling.

- (2) The term "basement" does not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

Bedroom means a room designed or used in whole or part for sleeping purposes.

Berm. See *Landscaping*.

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

Boardinghouse or *roominghouse* means 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. The term "roominghouse" shall be deemed a boardinghouse for the purposes of this chapter.

Buildable area. See *Building envelope*.

Building.

- (1) The term "building" means any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property or materials of any kind. The term "building" includes tents, awnings, semitrailers, or vehicles situated on a parcel and used for the purposes of a building.
- (2) The term "building" does not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, coal bunkers, oil cracking towers, or similar structures.

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

Building envelope means the area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this chapter.

Building height means the vertical distance measured from the established sidewalk grade at the center of the front lot line to:

- (1) The highest point of the coping of a flat roof;
- (2) To the deck line of a mansard roof;
- (3) To the average height between the eaves and the ridge for the highest gable, hip studio, or gambrel roof; or
- (4) 75 percent of the height of an A-frame.

Where no sidewalk grade is established, the height shall be measured from the average finished ground level of the building wall (see illustration).

Building line means a line parallel to the front lot line at the minimum required front setback line (see illustration).

Building official means the township officials designated by the township board to administer and enforce the state construction code.

Building, principal, means 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, means 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. Construction of temporary buildings shall be subject to the requirements of the state construction code.

Bulk means 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 height 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.

Cabaret means an establishment where live entertainment such as, but not limited to, comedy or theater, is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following means topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

Cemetery means land used for the burial of the dead, including columbariums, crematories, and mausoleums.

Child care center means a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term "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 means any structure wherein persons regularly assemble for religious activity.

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

Clinic, veterinary, means an institution which is licensed by the state department of community 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 means 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 chapter.

Commercial use.

- (1) The term "commercial use" means the use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer.
- (2) The term "commercial use," as used in this chapter, does not include industrial, manufacturing, or wholesale businesses.

Commission means the planning commission of the township, as organized under Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

Condominium means a condominium is a system of separate ownership of individual units in multiunit projects according to Public Act No. 59 of 1978 (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee simple and in the spaces and building parts used in common by all the unit owners. For the purposes of this chapter, condominium terms are be defined as follows:

- (1) *Common elements* means portions of the condominium project other than the condominium units.
- (2) *Condominium act* means Public Act No. 59 of 1978 (MCL 559.101 et seq.).

- (3) *Condominium lot* means that portion of the land area of a site condominium project designed and intended to function as a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the schedule of regulations in section 32-599.
- (4) *Condominium subdivision plan* means drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by section 66 of Public Act No. 59 of 1978 (MCL 559.166).
- (5) *Condominium unit* means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- (6) *Contractible condominium* means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this chapter and the Condominium Act.
- (7) *Conversion condominium* means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- (8) *Convertible area* means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this chapter and the Condominium Act.
- (9) *Expandable condominium* means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.
- (10) *General common elements* means common elements other than the limited common elements, intended for the common use of all co-owners.
- (11) *Limited common elements* means portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- (12) *Master deed* means 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.
- (13) *Site condominium project* means 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 chapter.

Congregate housing. See *Housing for the elderly.*

Contractor's yard means 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 means a 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 means a multiple dwelling owned by a corporation which leases its units to stockholders on a proprietary lease arrangement.

Curb cut means the entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

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

Development means 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 means a use which typically involves both warehouse and office/administration functions, where shortterm and/or longterm storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District, zoning, means a portion of the township 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 means a business establishment so designed that its operation involves providing a service or a product to patrons while they are in their car, rather than within a building or structure.

Drive-through means a business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a motor vehicle, typically through a window or other appurtenance to a building.

Dwelling means 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, motor home, 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 chapter.

Dwelling, accessory apartment, means a dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by:

- (1) Persons related to the occupant of the principal residence by blood, marriage or legal adoption; or
- (2) Domestic servants or gratuitous guests.

An accessory apartment commonly, has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. May also be referred to as an in-law apartment or granny flat.

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

- (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- (2) 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
- (3) 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:

Dwelling, mobile home.

- (1) The term "dwelling, mobile home," means 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.
- (2) The term "dwelling, mobile home," for the purposes of this chapter, as described and regulated herein shall not be considered a recreational vehicle.

Dwelling, multiple-family, means 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 dwellings units include those commonly known as apartments, which are defined as follows:

- (1) *Apartment* means an apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically

rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.

- (2) *Efficiency unit or studio apartment* means 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.

Dwelling, one-family or single-family, means an independent, detached residential dwelling designed for and used or held ready for use by one family only.

Dwelling, terrace family. See *Dwelling unit, single-family attached*.

Dwelling, townhouse. See *Dwelling unit, single-family attached*.

Dwelling, two-family, or duplex means 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 means 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, means 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 means a building constructed partially below the surrounding average finished grade that is designed to conserve energy and is intended to be used as a single-family dwelling.

Easement means 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 means the enforcement official is the person or persons with the responsibility for enforcing and administering requirements of applicable sections of this chapter. Various duties may be combined and assigned to the same individual or individuals. The enforcement official may be referred to as the zoning administrator, building official, or other appropriate party. Such titles do not refer to a specific individual, but generally to the office, department, or township officials most commonly associated with the administration of the regulation being referenced.

Engineer, township, means the township engineer is the person or firm authorized to advise the township board, township staff, 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 means 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.

- (1) The term "essential services" means the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or township-certified cable television companies of underground, surface or overhead gas, steam, electrical, 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 furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public.
- (2) The term "essential services" does not include storage yards, sales or business offices, or commercial buildings or activities.

Excavation means the removal or movement of soil, sand, stone, gravel, or fill dirt on or from any parcel except for common household gardening, farming, and general ground care.

Exemption means an exclusion from the normal chapter 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.

- (1) The term "family" means either:
 - a. One or more persons related by blood, adoption or marriage, living and cooking together as a single nonprofit housekeeping unit, inclusive of household servants; or
 - b. Two to six persons living and cooking together as a single nonprofit housekeeping unit having a continuing nontransient domestic character though not related by blood, adoption or marriage.
- (2) This definition shall not include any society, club, coterie or organization which is not a recognized religious order nor does it include any group of individuals whose association is temporary or seasonal or similar to a resort, boardinghouse, motel, hotel, or whose association is for an anticipated limited duration or for a determinable period such as a school term or terms.

Family child care home means a private home in which one but fewer 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 child care home includes a home that gives care to an unrelated minor child for more than four weeks during the calendar year.

Fence means an artificially constructed barrier of wood, wire, metal, or any other material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

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

Filling station. See *Automobile filling station.*

Floor area, gross, means 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, means 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, means 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 means a child unrelated to a family by blood or adoption with whom he lives for the purposes of care and/or education.

Fraternal organization. See *Club.*

Garage, community, means an enclosed building, having no public shop or service in connection therewith, for the storage of noncommercial vehicles.

Garage, private, means an accessory building used for the parking or storage of motor vehicles owned and used solely 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.

Garage, public. See *Automobile repair garage*.

Gas station. See *Automobile filling station* and *Automobile service station*.

Grade means 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.

Greenbelt. See *Landscaping*.

Group child care home means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term "group child 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 means a room or building equipped for gymnastics, exercise or sport.

Hazardous materials and chemicals means all highly flammable materials or products which may react to cause a fire or explosion hazard; or which because of their toxicity, flammability, or liability for explosion render firefighting abnormally dangerous or difficult. This also includes flammable liquids or gases which are chemically unstable and which may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. The term "hazardous materials and chemicals" include flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials, and poisonous gases that have a degree of hazard rating in the health, flammability or reactivity of 3 or 4 as ranked by NFPA 704 and as adopted by the township.

Hazardous uses means all uses which involve the storage, sale, manufacture, or processing of materials and/or chemicals which are defined as hazardous materials and chemicals in this chapter or other ordinances of the township. The term "hazardous uses" include, but are not limited to, all high hazard uses listed in the current adopted codes of the township.

Height of building. See *Building height*.

Highway. See *Street*.

Home occupation means 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, as specified in section 32-622.

Hospital means an institution which is licensed by the state department of community health to provide in-patient and out-patient medical and/or surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, evaluation rooms, central service facilities, staff offices, and other directly related administrative functions.

Hospital, veterinary. See *Clinic, veterinary*.

Hotel means 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 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.

Housing for the elderly means a facility other than a hospital, hotel, or nursing home, which provides room and board to nontransient persons primarily 60 years of age or older. Housing for the elderly may include the following:

- (1) *Senior apartments* means multiple-family dwelling units occupied by persons 55 years of age or older.
- (2) *Elderly housing complex* means a building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 70 years of age or older.
- (3) *Congregate housing* means a type of semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- (4) *Dependent housing facilities* means facilities such as nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Ice cream parlor.

- (1) The term "ice cream parlor" means a retail establishment whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready-to-eat state.
- (2) The term "ice cream parlor" does not mean businesses serving hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items for the purposes of this chapter.

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

Indoor recreation center means an establishment which provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. The term "indoor recreation center" includes, for the purposes of this chapter, a bowling establishment.

Industry, heavy, means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or products, 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, means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Ingress and *egress* mean, as used in this chapter, generally are 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 means 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* means 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 means any lot or premises on which four 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.

Landfill means a tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.).

Landscaping means the treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, 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:

- (1) *Berm* means 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 with the requirements of this chapter.
- (2) *Grass* means any of a family of plants with narrow leaves normally grown as permanent lawns in the county.
- (3) *Greenbelt* means a strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this chapter.
- (4) *Ground cover* means low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- (5) *Hedge* means a row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- (6) *Hydroseeding* means a method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- (7) *Interior parking lot landscaping* means 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.
- (8) *Mulch* means a layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- (9) *Nurse grass* means any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- (10) *Screen* or *screening* means 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.
- (11) *Shrub* means a self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.
- (12) *Sod* means an area of grass-covered surface soil held together by matted roots.
- (13) *Tree* means 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 the county.
- (14) *Deciduous tree* means a variety of tree that has foliage that is shed at the end of the growing season.
- (15) *Evergreen tree* means a variety of tree that has foliage that persists and remains green throughout the year.
- (16) *Ornamental tree* means 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.
- (17) *Shade tree* means a deciduous tree which has a mature crown spread of 15 feet or greater in the county and has a trunk with at least five feet of clear stem at maturity.
- (18) *Vine* means a plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Loading space means a 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 means, for the purposes of enforcing this chapter, 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, access, and open space as required herein. The term "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. The term "lot" may consist of:

- (1) A single lot of record.
- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, or portion thereof.
- (4) A condominium lot.
- (5) A piece of land described by metes and bounds.

Lot area, gross, means 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, means 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, contiguous, means lots adjoining each other.

Lot, corner, means a lot abutting on and at the intersection of two or more streets. For the purposes of this definition, the term "street" lot line shall be the line separating the lot from the street or road right-of-way.

Lot coverage means the part or percent of the lot that is occupied by buildings or structures.

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

Lot, double frontage, or through lot means 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, means 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, means any lot other than a corner lot with only one lot line fronting on a street.

Lot lines means the lines bounding a lot as follows:

- (1) *Front lot line* means, 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 zoning administrator. 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.
- (2) *Rear lot line* means, 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. In cases in which the rear lot line definition can not be easily applied, the zoning administrator shall designate the rear lot line.
- (3) *Side lot line* means 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 is an interior side lot line. In cases in which the side lot line definition cannot be easily applied, the zoning administrator shall designate the side lot lines.

(4) *Street lot line* means a dividing line between the street and a lot, also known as the right-of-way line.

Lot of record means a parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the county register of deeds, or accepted by the county department of equalization, 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) and likewise so recorded with the county register of deeds. A lot of record may also be identified by attachment to a Sidwell or tax parcel identification number.

Lot width means 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). At no time shall the measured lot width at the street line be less than half of the required lot width.

Main access drive means 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*.

Massage parlor or massage establishment.

- (1) The term "massage parlor" or "massage establishment" means 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 means a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. The term "massage establishment" may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.
- (2) The term "massage establishment" does not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barbershops in which massages are administered only to the scalp, the face, the neck or the shoulders.

Master plan means the master plan is a document which is prepared under the guidance of the township 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.

Medical marijuana facility means a facility where primary caregivers who are legally registered by the state department of community health (MDCH) may lawfully assist qualifying patients who are also legally registered by the state department of community health with the medical use of marijuana in accordance with the Michigan medical marijuana act (MCL 333.26421—333.26430). A use which purports to have engaged in the medical use of marijuana, either prior to or after enactment of such act, but without being legally registered by the MDCH, shall be deemed to not be a legally established use and therefore not entitled to legal nonconforming status under the provisions of this chapter and/or state law.

Medical use of marijuana means 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 the debilitating medical condition, as defined under the Michigan medical marijuana act, MCL 333.26423.

Mezzanine means 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.

Miniwarehouse means 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. Miniwarehouses are typically contained within a fenced, controlled-access compound.

Mobile home. See *Dwelling, mobile home.*

Mobile home lot means an area within a mobile home park which is designated for the exclusive use of a specific mobile home.

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Code Commission Rules and Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

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

Motel means 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 include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

Nonconformity means any structure, lot, or use of any structure, lot, or land, which does not conform at the time of adoption of the ordinance from which this chapter is derived, or any amendment thereto, to the regulations for the district in which it is located.

Nuisance means 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 means 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 means 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 Public Act No. 368 of 1978 (MCL 333.1101 et seq.).

Occupancy, change of, means a discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or, the expansion of a use.

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

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

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

- (1) Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (2) Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- (3) Various outdoor recreation uses, including, but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.

(4) Outdoor display and sale of garages, swimming pools, playground equipment, and similar uses.

Open space means 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 means the keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

Outlot means 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 means a continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the land division act (MCL 560.101 et seq.) and has frontage on a public street.

Parking lot, off-street, means an area within a lot or parcel 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 means an area of definite length and width as designated in this chapter for parking an automobile or other permitted vehicle, and which is fully accessible for such purposes.

Performance guarantee means a financial guarantee to ensure that specific improvements, facilities, or work required by this chapter will be completed in compliance with the chapter, other applicable regulations, and township approved plans and specifications of the development.

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

Personal fitness center.

- (1) The term "personal fitness center" means 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. A personal fitness center may or may not be enclosed within a gym.
- (2) The term "personal fitness center" does not include court sports facilities or spectator seating for sports events.

Pervious surface means a surface that permits full or partial absorption of stormwater.

Pet means 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.

Pool or billiard hall means an establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables.

Planned development means 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, means the person or firm designated by the township board and planning commission to advise the township board, the township planning commission, and township staff on 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 means the planning commission of the township as organized under Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

Prerelease adjustment center means an establishment which provides shelter, supervisory and social services to convicts in a pre-release parole preparation program, as authorized by the state corrections commission or by the federal bureau of prisons.

Principal use. See *Use, principal.*

Private street or road. See *Road.*

Property line means 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.*

Public lodginghouse means a commercial establishment or place in which five or more members of the public, whether travelers or not, are charged for or are provided sleeping quarters in the form of cots or beds in the same room.

Public safety official means the public safety official refers generally to the departments or persons designated to perform police, firefighting, and other public safety functions for the township.

Public utility means any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

Recognizable and substantial benefit means 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. The term "recognizable and substantial 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.

Recreational land means any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, sports fields, camping, swimming, picnicking, hiking, and nature trails.

Recreational vehicle includes the following:

- (1) *Travel trailer* means 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 include self-contained sanitary, water, and electrical facilities.
- (2) *Pickup camper* means a structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (3) *Motor home* means 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. Motor homes generally contain sanitary, water, and electrical facilities.
- (4) *Folding tent trailer* means a folding structure, mounted on wheels and designed for travel and vacation use.
- (5) *Boats and boat trailers* include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (6) *Other recreational equipment* includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

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

Restaurant means 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 characteristics of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as follows:

- (1) *Restaurant, carry-out,* means a business establishment whose method of operation involves sale 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.

- (2) *Restaurant, drive-in*, means a business establishment 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.
- (3) *Restaurant, drive-through*, means a business establishment 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 of the premises.
- (4) *Restaurant, fast food*, means a business establishment 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.
- (5) *Restaurant, standard*, means a business establishment whose method of operation involves either:
 - a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
 - b. 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.
- (6) *Bar/lounge/tavern* means 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 or detention basin means a pond, pool, or basin used for the storage of stormwater runoff.

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

Road means 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:

- (1) *Private road* means any road which is to be privately maintained and has not been accepted for maintenance by the township, county, state or the federal government, but which meets the requirements of this chapter or has been approved as a private road by the township under any prior ordinance.
- (2) *Public road* means any road or portion of a road which has been dedicated to and accepted for maintenance by the township, county, state or the federal government.
- (3) *Arterial road* means 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.
- (4) *Collector street* means a road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
- (5) *Cul-de-sac* means a road that terminates in a vehicular turnaround.
- (6) *Local street* means a road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.
- (7) *Major thoroughfare* means 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.

(8) *Minor road* means a road whose sole function is to provide access to abutting properties.

Room means, for the purpose of determining lot area requirements and density in a multiple-family district, 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.

Roominghouse. See *Boardinghouse*.

Secondary access drive means any private 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 somewhat sheltered from the effects of the through traffic on the material 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.

Secondhand store means any building, structure, premises, or part thereof used solely or partially for the sale of used or secondhand clothing, furniture, books or household goods, or used solely or primarily for the sale of used or secondhand household appliances or business equipment.

Semitrailer means 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.

Service truck means 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 means the distance between a front, side or rear lot line or setback measurement line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a front, side or rear lot line or setback measurement line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this chapter. See *Yard*.

Setback measurement line means a line drawn parallel to the centerline of the road on the zoning map from which the front setback shall be measured.

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

Sign means 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 and regulated by this chapter or any other applicable regulation of the township.

Site plan means a plan, prepared to scale, as required in this chapter, showing accurately and with complete dimensions, 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.

Special event means an occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by a nonprofit township community group, congregation, 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. 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 means a use, either public or private, which possesses unique characteristics and therefore cannot be properly classified as a use permitted by right in a particular zoning district. The term "special land use" includes regulated land uses. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use

at the proposed location, such special land uses may be permitted following review and approval, subject to the terms of this chapter.

Specially designated distributor's establishment means a retail establishment of less than 15,000 gross square feet of usable retail space, or any retail establishment where more than ten percent of the usable retail space is utilized for the distribution of alcoholic beverages, licensed by the state liquor control commission to distribute alcoholic beverages, or other than beer and wine under 20 percent by volume, in the original package for consumption off the premises.

Specially designated merchant's establishment means a retail establishment of less than 15,000 gross square feet of usable retail space, or any retail establishment where more than ten percent of the usable retail space is utilized for the distribution of alcoholic beverages, licensed by the state liquor control commission to sell beer and wine for consumption off the premises.

Specified anatomical areas means 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 discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means the explicit display of one or more of the following:

- (1) Human genitals in a state of sexual stimulation 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.

State licensed residential facility means any structure constructed for residential purposes that is licensed by the state pursuant to Public Act No. 116 of 1973 (MCL 722.111 et seq.), or Public Act No. 218 of 1979 (MCL 400.701 et seq.). These acts provide for the following types of residential structures:

- (1) *Adult foster care facility* means a residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17 years, in accordance with Public Act No. 218 of 1979 (MCL 400.701 et seq.), and the adult foster care administrative rules as administered by the state department of human services. The following four types of adult foster care homes are provided for by these rules:
 - a. *Adult foster care family home* means private residence for six or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
 - b. *Adult foster care small group home* means residence for 12 or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven or more residents will live in the home.
 - c. *Adult foster care large group home* means residence for 13 to 20 adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
 - d. *Congregate facility* means residence for more than 20 adults.
- (2) *Foster family home* means a private residence in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the state adoption code (MCL 710.21 et seq.), are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian. Under Public Act No. 116 of 1973 (MCL 722.111 et seq.), a foster family home does not require local zoning approval before being licensed by the department of human services.
- (3) *Foster family group home* means a private residence in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the state adoption code (MCL 710.21 et seq.), are given care and supervision for 24 hours a day, for

four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian. Under Public Act No. 116 of 1973 (MCL 722.111 et seq.), a foster family group home requires local zoning approval before being licensed by the department of human services.

Story means 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 illustrations).

- (1) 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.
- (2) 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.
- (3) In an earth sheltered home, any separate level below ground shall be considered a full story.

Story, half, means 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 200 square feet with a minimum clear height of seven feet, six inches.

Street. See Road.

Structural addition means any alteration that changes the location of the exterior walls or area of a building.

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term "structure" includes, but is not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennas, swimming pools, and signs.

Subdivision plat means the division of a tract of land for the purpose of sale or building development, in accordance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), and the township subdivision control regulations.

Substance abuse treatment facility means any establishment used for the dispensing, on an in-patient or out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

Swimming pool means any permanent, nonportable structure or container, located either partially or totally 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 means a use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this chapter.

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

Thoroughfare, major. See Road.

Toxic or hazardous waste means 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:

- (1) An increase in mortality;
- (2) An increase in serious irreversible illness;
- (3) Serious incapacitating, but reversible illness; or
- (4) Substantial present or potential hazard to human health or the environment.

Transition zone means 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 means 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.

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

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

- (1) *Use, accessory.* See *Accessory use, building, or structure.*
- (2) *Use, conditional.* See *Conditional use.*
- (3) *Use, permitted,* means a permitted use is a use which may be lawfully established in a particular district provided it conforms with all requirements, regulations, and standards of such district.
- (4) *Use, principal,* means the main use of land and buildings and the main purpose for which land and buildings exist.
- (5) *Use, nonconforming.* See *Nonconformity.*
- (6) *Use, special land.* See *Special land use.*

Utility trailer means a small trailer that is designed to be pulled by an automobile, van, or pickup truck.

Variance means a modification of the literal provisions of this chapter granted by the zoning board of appeals when strict enforcement of this chapter would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted.

Veterinary hospital. See *Clinic, veterinary.*

Wall means an upright structure serving to enclose, divide, or protect an area, typically constructed of wood, masonry, or stone materials.

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

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

Wholesale sale means the sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Yard means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter. 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 chapter (see illustrations).

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or setback measurement line (where appropriate) and the nearest line of the principal building. Unless otherwise specified, each yard with street frontage shall be considered front yard.
- (2) *Rear yard* means 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.
- (3) *Side yard* means 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 on the principal building.

Zoning administrator means the township officials authorized by the township board to administer this chapter on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of planning commission actions, sending notices of public hearings, and similar work. The duties of the zoning administrator may be combined with duties of other positions under this chapter and assigned to a specific individual.

Zoning board of appeals means the Royal Oak Township Zoning Board of Appeals, created pursuant to the provisions of Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 7-16-1992, § 1.03; Ord. of 3-11-2010, § 1.03; Ord. of 8-2-2010, § 1.03)

Sec. 32-5. - Severability.

- (a) This chapter and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to 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 chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.
- (b) Furthermore, should the application of any provision of this chapter to a particular property, building, or structure be adjudged invalid by any court, such judgments shall not affect the application of said provision to any other property, building, or structure in the township, unless otherwise stated in the judgment.

(Ord. of 7-16-1992, § 24.01)

Secs. 32-6—32-28. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 32-29. - Purpose.

It is the purpose of this article to provide procedures and related standards for the review and regulation of land uses and uses of structures within the township.

(Ord. of 7-16-1992, § 22.01)

Secs. 32-30—32-46. - Reserved.

DIVISION 2. - ADMINISTRATIVE ORGANIZATION

Sec. 32-47. - Overview.

- (a) The township board or a duly authorized representative as specified in this article is hereby charged with the duty of enforcing the provisions of this chapter. Accordingly, the administration of this chapter is hereby vested in the following entities:
 - (1) Township board.
 - (2) Planning commission.
 - (3) Zoning board of appeals.
 - (4) Zoning enforcement officials.

(b) The purpose of this article of this chapter is to set forth the responsibilities and scope of authority of these entities.

(Ord. of 7-16-1992, § 23.01)

Sec. 32-48. - Responsibilities and authority of the township board.

The township board shall have the following responsibilities and authority pursuant to this chapter:

- (1) *Adoption of zoning ordinance and amendments.* In accordance with the intent and purposes expressed in the preamble to this chapter, and pursuant to the authority conferred by Public Act No. 110 of 2006 (MCL 125.3101 et seq.), the township board shall have the authority to adopt this chapter, as well as amendments previously considered by the planning commission or at a hearing or as decreed by a court of competent jurisdiction.
- (2) *Review and approval of plans.* Following planning commission action, the township board shall be provided a opportunity to review and, at their discretion, approve special land uses, in accordance with section 32-49. Township board review and approval shall be required for all planned developments, in accordance with section 32-50. All amendments to this chapter are subject to the review and approval of the township board.
- (3) *Setting of fees.* The township board shall set fees for permits, applications, and requests for any action pursuant to this chapter. The fees shall be established from time to time by resolution of the township board. In the absence of an established fee for a specific permit, application, or action, the building official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- (4) *Approval of planning commission members.* In accordance with Public Act No. 33 of 2008 (MCL 125.3801 et seq.), members of the planning commission shall be appointed by the township supervisor with the approval of the township board.

(Ord. of 7-16-1992, § 23.02; Ord. of 3-11-2010, § 23.02)

Sec. 32-49. - Responsibilities and authority of the planning commission.

The planning commission shall have the following responsibilities and authority pursuant to this chapter:

- (1) *Creation.* The planning commission of the township is created and organized pursuant to Public Act No. 33 of 2008 (MCL 125.3801 et seq.). Pursuant to section 11(1) of the Act, the planning commission is hereby granted all powers and duties of the zoning commission as defined in the Michigan zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (2) *Membership and operation.* The members of the planning commission shall be appointed pursuant to Public Act No. 33 of 2008 (MCL 125.3801 et seq.). The qualifications of members, term of each member, filling of vacancies, compensation of members and operation of the planning commission shall be in accordance with such act. In accordance with section 21 of Public Act No. 33 of 2008 (MCL 125.3821), the planning commission by resolution shall determine the time and place of meetings. The planning commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- (3) *Jurisdiction.* The planning commission shall discharge the following duties pursuant to this chapter:
 - a. *Township zoning commission.* The planning commission shall serve as the township zoning commission as authorized by section 301 of Public Act No. 110 of 2006 (MCL 125.3301).
 - b. *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 map amendments to the township board.
 - c. *Site plan review.* The planning commission shall be responsible for review of applications for site plan approval in accordance with this article. As provided for in this article, the planning commission shall be responsible for either

making a determination to grant approval, approval subject to revisions, or denial of site plan approval.

- d. *Special land use review.* The planning commission shall be responsible for holding hearings and reviews of all applications for special land use approval in accordance with this section, and making a recommendation to the township board to grant approval, approval subject to revisions, or denial of approval.
 - e. *Planned development review.* The planning commission shall be responsible for holding hearings and review of all applications for planned development in accordance with section 32-50. The planning commission shall be responsible for making a recommendation to the township board to grant approval, approval with conditions, or denial of a planned development proposal.
 - f. *Formulation of a master plan.* The planning commission shall be responsible for formulation and adoption of a master plan for the physical development of the township in accordance with article III of Public Act No. 33 of 2008 (MCL 125.3831 et seq.).
 - g. *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. The planning commission shall recommend appropriate
 - h. *Report on operation of this chapter.* Pursuant to section 308(2) of Public Act No. 110 of 2006 (MCL 125.3308(2)), the planning commission shall at least annually prepare for the township board a report on the operations of this chapter including recommendations as to the enactment of amendments or supplements to this chapter.
- (4) *Meetings.* Not less than 15 days before the meeting date, the planning commission shall publish notice of a regular or special meeting in a newspaper of general circulation in the township. All meetings of the planning commission are subject to the provisions of the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.).

(Ord. of 7-16-1992, § 23.03; Ord. of 3-11-2010, § 23.03)

State law reference— Michigan planning enabling act, MCL 125.3801 et seq.

Sec. 32-50. - Responsibilities of the zoning board of appeals.

The zoning board of appeals (hereinafter referred to as "ZBA") shall have the following responsibilities and authority pursuant to this chapter.

- (1) *Creation.* The ZBA is created pursuant to section 601 of Public Act No. 110 of 2006 (MCL 125.3601), the Michigan zoning enabling act.
- (2) *Membership and operation.* The ZBA shall consist of five members. One member of the ZBA shall also be a member of the township planning commission. One member of the ZBA may be a member of the township board but may not serve as chairperson of the ZBA. The compensation of the members of the ZBA shall be fixed by the township board. Two alternate members may be appointed for the same term as regular members of the ZBA. Alternate members may be called on a rotating basis to sit as regular members in the absence of a regular member if the regular member will be unable to attend one or more meetings. 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 a conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of appeals. All appointments shall be made in accordance with section 601 of Public Act No. 110 of 2006 (MCL 125.3601), and shall be subject to all requirements of said Act. In the event that a vacancy occurs on the ZBA, whether through removal, resignation, or expiration of term, a successor shall be appointed not more than 30 days after the term of the preceding member has expired.
- (3) *Secretary of the ZBA.* The township clerk shall be the secretary of the board. The clerk may designate a deputy clerk to act on his behalf.

- (4) *Meetings.* Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the chairperson, or other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and maintain a record of its official proceedings, said record shall be filed in the office of the township clerk.
- (5) *Concurring vote required.* The concurring vote of a majority of the members of the ZBA shall be necessary to:
- Reverse an order, requirement, decision, or determination of an administrative official or body;
 - Decide in favor of an applicant on any matter upon which the ZBA is required to act; or
 - Effect any variation to this chapter.
- (6) *Jurisdiction.* The ZBA shall be empowered to act on all questions as they may arise in the administration of this chapter, including the interpretation of the zoning district map. The ZBA shall also hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this chapter. The ZBA shall also hear and decide matters referred to them or upon which they are required to pass under this chapter. In doing so, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises. In acting on appeals or requests for variances, the ZBA shall comply with the provisions of section 32-51. In the interest of complying with these requirements and furthering the objectives of this section, the ZBA may take the following actions:
- Interpret the zoning districts map where the street layout shown on the map varies from actual conditions.
 - Interpret the exact location of a boundary line between zoning districts shown on the map.
 - Grant variances from off-street parking or loading space requirements, upon finding that such variances will not result in a parking or loading space deficiency or otherwise be inconsistent with the intent of such requirements.
 - Grant variances from yard and bulk requirements, including height, lot area, yard setback, floor area, and lot width requirements, where there are unique circumstances on the lot such that the lot cannot reasonably be put to a conforming use. In deciding upon such variances, the ZBA shall first determine that sufficient area exists for an adequate stormwater drainage, water supply, and septic system, if necessary.
 - Grant variances from the site plan review requirements where the ZBA finds that the requirements would cause practical difficulties or unnecessary hardship due to the unique conditions on the site.
 - Grant variances made necessary by the advances of technology being put to use in new developments, but not anticipated by the provisions of this chapter.
- (7) *Limitations of authority.* The ZBA shall not have the power and is not authorized to:
- Alter or change the zoning district classification of any property.
 - Make any change in the text of this chapter.
 - Permit any use in a district in which it is not permitted (i.e., a use variance).
 - Consider an appeal of any decision concerning a planned development approval.
 - Consider variances associated with a special use site plan that relate to matters other than setbacks or dimensional requirements.
 - Vary the terms of this article.
- (8) *Decision final.* The decision of the ZBA shall be final, but shall be subject to review by the circuit court and may be appealed to the circuit court, as provided in sections 605 through 607 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3605—125.3607). The circuit court may order the ZBA to rehear a case in the event that the court finds that the record of the ZBA is inadequate to make the proper review, or that there is additional evidence that is material and with good reason was not presented to the ZBA.

State law reference— Zoning board of appeals, MCL 125.3601 et seq.

Sec. 32-51. - Responsibilities of zoning enforcement officials.

- (a) *Overview.* Certain actions necessary for the implementation of this chapter shall be administered by the building official, the township clerk, the township planner, and other township officials and/or the duly authorized assistants or representatives of these officials. In carrying out their designated duties, all enforcement officers shall be required to administer this chapter precisely as it is written. No enforcement official shall make changes or vary the terms of this chapter.
- (b) *Responsibilities of the township building official.* In addition to specific responsibilities related to the enforcement and administration of the this chapter and the state construction code, the building official or duly authorized assistants shall have the following responsibilities:
- (1) Provide citizens and public officials with information relative to this chapter and related matters.
 - (2) Provide direction to applicants in determining and completing appropriate procedures related to site plan review, rezoning, and other zoning matters.
 - (3) Review applications for site plan review, special land use review, and planned development, provide recommendations regarding the content of said plans and take any action required under guidelines stated within this chapter.
 - (4) Issue building or other appropriate permits when all provisions of this chapter and other applicable ordinances are met.
 - (5) Issue certificates of occupancy in accordance with this chapter when all provisions of this chapter and other applicable regulations, ordinances and codes are met.
 - (6) Perform inspections of buildings, structures, and premises to ensure that the land use or improvements to the land are and will remain in compliance with this chapter.
 - (7) Initiate and perform investigations into alleged violations of this chapter and proceed with appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revocation of permits.
 - (8) Maintain records as accurately as is feasible for all nonconforming uses, structures, and lots that exist on the effective date of the ordinance from which this chapter is derived, updating the record as conditions affecting the nonconforming status of such uses changes.
 - (9) Maintain the current official zoning map of the township and an up-to-date zoning ordinance text by recording all adopted amendments.
 - (10) Prepare and administrate budgetary matters regarding the implementation of this chapter.
 - (11) Review all applications for site plan review, special land use review, and planned development, and take any action required under guidelines stated within this chapter.
 - (12) Forward to the planning commission completed applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to this chapter, and other matters that must be reviewed by the planning commission.
 - (13) Forward to the zoning board of appeals all materials related to applications for appeals, variances, or other matters on which the zoning board of appeals is required to act.
 - (14) Forward to the township board all recommendations of the planning commission concerning matters on which action is either mandatory or discretionary on the part of the council.
 - (15) Periodically report to appropriate township policy makers on the status of township's zoning and planning administration.

- (16) Perform other related duties required to administer this chapter.
- (c) *Responsibilities of the township clerk.* In addition to specific responsibilities outlined elsewhere in this chapter, the township clerk or duly authorized representatives shall have the following responsibilities:
- (1) Publish all notices required by this chapter.
 - (2) Record or cause to be recorded and prepare the official minutes of all meetings of the planning commission and zoning board of appeals.
 - (3) Maintain official records and file all official minutes and documents in an orderly fashion.
 - (4) Perform other related duties required to administer this chapter.
- (d) *Responsibilities of the township planner.* The township planner may be a member of township staff or a firm or organization retained on a consulting basis or the responsibilities may be shared by staff and a consultant. In addition to specific responsibilities outlined elsewhere in this chapter, upon request from the township board, the planning commission, any authorized department head, or other authorized township body or official, the township planner shall fulfill following responsibilities:
- (1) Prepare and administer such plans and ordinances as are appropriate for the township and its environs, within the scope of the appropriate state 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 other authorized township bodies or officials and be responsible for carrying out their directives.
 - (4) Provide citizens and public officials with information relative to this chapter and related matters.
 - (5) At request of the township, review applications for site plan review, special land use review, planned development proposals, and take any action required under the guidelines stated in this chapter.
 - (6) At the request of the planning commission or township board, draft amendments to this chapter and other ordinances to accomplish the planning objectives of the township.
 - (7) Periodically report to the planning commission on the status of township's zoning and planning administration.
 - (8) Perform other related duties required to administer this chapter.

(Ord. of 7-16-1992, § 23.05)

Secs. 32-52—32-75. - Reserved.

DIVISION 3. - SITE PLAN

Sec. 32-76. - Site plan review.

- (a) *Site plan required.* Prior to construction and/or occupancy the following shall require site plan approval pursuant to this article, except as provided in the subsection (b) of this section:
- (1) The development of any new use;
 - (2) The construction of any new structure;
 - (3) A change in the existing use of land or structure that impacts any requirement stated in this chapter; and/or
 - (4) All other building or development activities. For example, site plan review is required for any of the following activities:
 - a. Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single-family dwelling.
 - b. Any development that would, if approved, provide for the establishment of shared access, parking, open space, or

the like, such as, a single-family site condominium or similar project where a single parcel is developed to include two or more sites for detached single-family dwellings.

- c. Development of non-single-family residential uses in single-family districts.
- d. Any change in land use or change in the use of a structure that potentially affects compliance with the standards set forth within this chapter.
- e. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single-family dwelling.
- f. Any use or construction for which submission of a site plan is required by any provision of this chapter.

(b) *Site plan not required.* Site plan approval is not required for the following activities:

- (1) Construction, moving, relocating or structurally altering a single- or two-family home, including any customarily incidental accessory structures.
- (2) Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single-family uses described in this subsection for which site plan approval is not required.
- (3) A change in the ownership of land or a structure.
- (4) A change in the existing use of a structure to a new, but similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of this chapter and that the site maintains full and continuing compliance with this chapter.

(Ord. of 7-16-1992, § 22.02A)

Sec. 32-77. - Site plan applications.

(a) *Submission of site plan for review by planning commission.* In order to initiate formal review by the planning commission, the applicant is required to submit the following to the building official:

- (1) Three completed and signed copies of an application for site plan review.
- (2) 14 individually folded copies of the site plan.
- (3) Evidence that the plan has been submitted for review to affected county, state, and federal agencies, including but not limited to the county road commission, the county drain commissioner, the county health department, and the state department of transportation.
- (4) The required township review fees.

These materials must be submitted to the building official at least 14 calendar days prior to the planning commission meeting at which the review will occur.

(b) *Distribution of plans.* Upon submission of all required application materials, the proposed site plan shall be placed on a planning commission meeting agenda. The site plan and application shall be distributed by the building official to appropriate township officials and the township planner for review. If deemed necessary by the building official, the plans may also be submitted to the township engineer for review.

(Ord. of 7-16-1992, § 22.02B)

Sec. 32-78. - Review and action.

- (a) *Initial review.* The planning commission shall review the reports of the appropriate township staff and consultants and discuss the findings and recommendations with the applicant.
- (b) *Request for revisions.* Upon review of the site plan proposal, the planning commission may require the applicant to revise the plans or supply additional information. In such case, the applicant shall submit the revised plans for review prior to formal action being taken. All review fees must be paid in advance of a review. It shall be the applicant's responsibility to

consult with township staff and consultants during this revision process.

- (c) *Public hearing.* A site plan involving uses subject to special land use approval or planned development shall require a public hearing. After payment of appropriate fees, the building official may set the date of the public hearing for a regularly scheduled meeting of the planning commission at the building official's discretion. Notice of the public hearing shall be given in accordance with division 12 of this article.
- (d) *Submission of plans for final review.* Should changes be required on a proposed plan, 14 individually folded copies of the revised plan shall be submitted for review at least ten days prior to the planning commission meeting at which review is scheduled. Any revised plan shall be distributed to the appropriate reviewing parties by the building official.
- (e) *Final action.* The planning commission is authorized to take the following final action on a site plan, subject to the guidelines in this chapter:
 - (1) *Approval.* Upon determination that a site plan is in full compliance with the standards and requirements of this chapter and other applicable township ordinances, approval shall be granted.
 - (2) *Approval with conditions.* 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. Conditions may include the requirement to obtain variances or contingent to approvals from other governmental agencies. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating the changes, and in full compliance with the required conditions. The planning commission may require that the applicant resubmit the site plan for final approval after conditions have been met. The planning commission may waive its right to review the revised plan, and delegate authority to the building official to review and approve a revised site plan on the commission's behalf after required conditions have been addressed. The planning commission may require that the building official secure a favorable recommendation from the township planner and/or township engineer prior to final approval of the revised plan and issuance of building permit.
 - (3) *Denial.* Approval of the site plan shall be denied upon determination by the planning commission that:
 - a. A site plan does not comply with the standards and regulations set forth in this chapter; or
 - b. The plan, as submitted, requires extensive revision to comply with standards and regulations.
 - (4) *Table the site plan.* The planning commission may table consideration of a site plan until a later meeting upon determination that a site plan is not sufficiently complete for approval or rejection, or based upon a request by the applicant.
- (f) *Recording of site plan review action.* Each action taken with reference to a site plan review shall be duly recorded in the minutes of the planning commission. The grounds for action taken upon each site plan shall also be recorded in the minutes. After the planning commission has taken final action on a site plan, the planning commission secretary shall clearly mark three copies of the application and plans approved or denied, as appropriate, with the date that action was taken. One marked copy will be returned to the applicant and the other two copies will be kept on file by the township by the building official.
- (g) *Procedure after site plan approval.*
 - (1) *Building permit.* Following final approval of the site plan by the planning commission, the applicant may apply to the township for a building permit. The issuance of a building permit shall be subject to the review of construction plans by the building department, and, if deemed necessary by the building official, the township engineer. It shall be the responsibility of the applicant to obtain all applicable township, county or state permits prior to issuance of a building permit.
 - (2) *Approval expiration.* Site plan approval becomes null and void if substantial construction has not commenced within 12 months following the final approval of the site plan by the planning commission, or if construction has not been completed within 12 months after it commenced following the issuance of a building permit. In such a case, the

applicant shall file a new application. Review by the planning commission of the new application and site plan shall be required.

- (3) *Approval extensions.* Upon the written request of the applicant and prior to the expiration of a previously granted approval, the planning commission may review the circumstances surrounding the failure of an applicant to meet required deadlines. The planning commission may grant an extension of up to 12 additional months, if it finds that the approved site plan continues to adequately represent current conditions on and surrounding the site and that the site plan conforms to the standards of all the township regulations in effect at the time of the applicant's request for an extension.
- (4) *Application for certificate of occupancy.* Following building construction and completion of site work, the applicant may apply to the township for a certificate of occupancy or a temporary certificate of occupancy from the building official in accordance with the procedures set forth in division 8 of this article. It shall be the applicant's responsibility to obtain all required certificates prior to any occupancy of the property.
- (5) *Site maintenance after approval.* 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:
 - a. The property is razed;
 - b. New zoning regulations supersede the regulations upon which site plan approval was based; or
 - c. A new site design is approved following planning commission review.

Any property owner who fails to maintain a site in compliance with a site plan as approved by the planning commission, shall be deemed in violation of the use provisions of this chapter and shall be subject to the penalties stated in division 10 of this article.

- (h) *Revocation.* An approved site plan may be revoked by action of the planning commission if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the site plan shall be placed on the agenda of a planning commission meeting for a public hearing. The building official shall cause written notice to be provided to the applicant at least ten calendar days prior to the meeting and shall publish notice of said hearing no later than five calendar days prior to the date and time of the public hearing to be given in accordance with division 12 of this article. The notice shall reduce all alleged inconsistencies and violations to writing. The building official, the applicant, and other interested persons shall be allowed to present information and testimony to the planning commission at the hearing. If the planning commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the planning commission may revoke the approval of the site plan and order the site returned to its original condition by a date certain. Failure to comply with such an order of the planning commission shall be deemed a violation of the use provisions of this chapter and shall be subject to the penalties stated in division 10 of this article.
- (i) *Modification to approved plan.* A site plan approved according to the procedures of this chapter may be modified, subject to the following requirements:
 - (1) *Review of a minor modification.*
 - a. *Minor modification to approved site plan.* A minor modification to an approved site plan may be reviewed and approved by the building official, provided that the modification does not involve any one of the following items:
 1. A request for a variance;
 2. A special land use;
 3. A discretionary decision such as a planned development plan; or
 4. The continuation of a nonconforming use or structure.
 - b. *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:

1. An addition to an existing building that increases or decreases the floor space by less than 25 percent of the existing total floor area up to a maximum of 3,000 square feet.
2. Reoccupancy of a building by a similar use permitted by this chapter.
3. Changes to building height that do not add an additional floor.
4. Additions or alterations to the landscape plan or landscape materials.
5. Relocation or resizing utility supply lines or service connections.
6. Relocation or screening of the trash receptacle.
7. Alterations to the internal parking layout of an off-street lot in which the total available spaces is unchanged.

Construction of a new building or structure, adding or deleting parking spaces, increasing stories of a building or the introduction of additional curb cuts onto a public road are examples of modifications that shall not be considered minor.

c. *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 a determination, the building official may solicit comments and recommendations from the township attorney, township planner, township engineer, and public safety officials, as deemed necessary.

(2) *Modifications not deemed minor.* If the modifications are not deemed minor by the building official, then review and approval of the changes by the planning commission shall be required. planning commission review shall be required for all site plans that involve:

- a. A request for a variance;
- b. A special land use;
- c. A discretionary decision such as a planned development plan; or
- d. The continuation of a nonconforming use or structure.

Review and approval of the township board shall be required for a modifications to a site plan that required township board approval.

(3) *Recording of action.* Each 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. of 7-16-1992, § 22.02C)

Sec. 32-79. - Required information on site plans.

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

(1) *Application form.* The application form shall contain the following information:

- a. Applicant's name and address.
- b. Name and address of property owner, if different from applicant.
- c. Common description of property and complete legal description including the parcel tax identification (Sidwell) numbers.
- d. Total gross and net acreage of the site.
- e. Existing zoning.
- f. Proposed use of land and name of proposed development, if applicable.

- g. Proposed buildings to be constructed, including square feet of gross floor area.
 - h. Proof of property ownership.
 - i. Employment opportunities created, if applicable.
 - j. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project or serving as agent.
- (2) *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 equals 20 feet for property less than one acre, one inch equals 30 feet for property larger than one acre but less than three acres, and one inch equals 50 feet for property larger than three acres. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:
- a. Applicant's name and address, and telephone number.
 - b. Title block indicating the name of the development.
 - c. Scale.
 - d. North point.
 - e. General location map drawn to scale with north point.
 - f. Dates of submission and revisions (month, day and year).
 - g. Legal and common description of property, including parcel identification (Sidwell) numbers.
 - h. 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.
 - i. A schedule for completing the project, including the phasing or timing of all proposed developments.
 - j. Identification and seal of an architect, engineer, land surveyor, licensed community planner or landscape architect who prepared plan.
 - k. Written description of proposed land use.
 - l. Zoning classification of applicant's parcel and all abutting parcels.
 - m. Distance to driveways serving adjacent parcels.
 - n. Distance to major thoroughfares.
 - o. Notation of any variances that have or must be secured.
 - p. Net acreage (minus rights-of-way) and total acreage, to the nearest tenth of an acre.
- (3) *Site data.*
- a. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and on parcels within 100 feet of the site.
 - b. Front, side, and rear setback shown with dimensions from minimum locations.
 - c. Topography on the site within 100 feet of the site at two-foot contour intervals, as referenced to a USGS benchmark.
 - d. Proposed site features, including buildings, roadway widths and names, and parking areas.
 - e. Dimensions and centerline of existing and proposed roads and road rights-of-way.
 - f. Acceleration, deceleration, and passing lanes, where required.
 - g. Proposed location of driveway entrances and on-site driveways shown with the dimensions of minimum and maximum widths noted.
 - h. Typical cross section of proposed roads and driveways.
 - i. Location of existing drainage courses and drains, open or enclosed and with elevations and/or inverts.

- j. Location of existing or proposed underground improvements such as storage tanks, culverts, and water gates.
 - k. Location of sidewalks within the site and within the right-of-way.
 - l. Exterior lighting locations and method of shielding.
 - m. Trash receptacle locations and method of screening, if applicable.
 - n. Transformer pad locations and method of screening, if applicable.
 - o. Parking spaces, including delineated handicap spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
 - p. All information needed to calculate required parking in accordance with chapter standards.
 - q. The location of lawns and landscaped areas, including required landscaped greenbelts. The percentage of the site used for open space.
 - r. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material. A maintenance plan for landscaping shall be stated on the plan.
 - s. Location, sizes, and types of existing trees five inches or greater in diameter, measured at one foot above grade, before and after proposed development.
 - t. Cross section of proposed berms.
 - u. Location, description, and county register of deeds filing identification of all easements for public right-of-way, utilities, access, shared access, and drainage.
 - v. Designation of fire lanes.
 - w. Delineation of dedicated loading/unloading area.
 - x. The location of any outdoor storage of materials and the manner by which it will be screened.
- (4) *Building and structure details.*
- a. Location, height, and outside dimensions of all proposed buildings or structures.
 - b. Indication of the number of stores and number of commercial or office units to be contained within the building.
 - c. Building floor plans.
 - d. Total floor area.
 - e. Proposed usable floor area.
 - f. Location, size, height, and lighting information of all proposed signs.
 - g. Proposed fences and walls, including typical cross section and height above the ground on both sides.
 - h. Architectural elevations of building facades and walls, 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 chapter. Elevations of proposed buildings shall indicate type of building materials, roof design, dimensions of projections and architectural features, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers and related screening.
- (5) *Information concerning utilities, drainage, and related issues.*
- a. Schematic layout of existing and proposed sanitary sewers connections; water mains, and water service leads; hydrants locations that service the site; and, the location and size or capacity of gas, electric, and telephone lines supply lines and building leads.
 - b. Location and size or capacity of exterior drains, catchbasins, retention/detention areas, culverts and other facilities designed to collect store, or transport storm or waste water. The point of discharge for all drains and pipes must be specified on the site plan. Compliance with township discharge standards must be noted.

- c. Indication of site grading, drainage patterns, and proposed contours.
 - d. Soil erosion and sedimentation control measures.
 - e. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
 - f. Listing of types and quantities of hazardous substances and polluting materials that will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
 - g. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.
 - h. Location of underground storage tanks.
 - i. Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.
- (6) *Information concerning residential development.*
- a. The number, type and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.).
 - b. Density calculations by type of residential unit (dwelling units per acre).
 - c. Existing and proposed lot coverage calculations.
 - d. Floor plans of typical buildings stating square feet of floor area and a summary of units by number of bedrooms.
 - e. Garage and carport locations and details, if proposed.
 - f. Details of the pedestrian circulation system.
 - g. 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 must indicate whether roadways are intended to be private or dedicated to the public.
 - h. Community building location, dimensions, floor plans, and architectural elevations, if applicable.
 - i. Swimming pool fencing detail, including height and type of fence, if applicable.
 - j. Location and size of recreation open areas.
 - k. Indication of type of recreation facilities proposed for recreation area.
- (7) *Additional information.*
- a. *Information related to condominium development.* The following information shall be provided with all site plans that include a development involving condominium ownership:
 - 1. Condominium documents, including the proposed master deed, condominium bylaws, restrictive covenants, and easements.
 - 2. Condominium subdivision plan requirements, as specified in section 66 of Public Act No. 59 of 1978 (MCL 559.101 et seq.), and rule 401 of the condominium rules promulgated by the state department of energy, labor and economic growth.
 - b. *Items not applicable.* If any of the items listed are not applicable to a particular site, the following must be provided on the site plan:
 - 1. A statement of each item considered not applicable.
 - 2. The reasons why each listed item is not considered applicable.
 - c. *Other data that may be required.* Other data, studies, or reports may be required if deemed necessary by the planning commission or building official to determine compliance with this chapter.

Sec. 32-80. - Standards for site plan approval.

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

- (1) *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.
- (2) *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 land uses, 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 chapter.
- (3) *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.
- (4) *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 III, division 12 of this chapter), unless otherwise provided in this chapter.
- (5) *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.
- (6) *Emergency vehicle access.* All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- (7) *Ingress and egress.* Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
- (8) *Pedestrian circulation.* The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.
- (9) *Vehicular and pedestrian circulation layout.* The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing streets or pedestrian ways 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 ensure 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.
- (10) *Drainage.* Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater collection, storage and transportation 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 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 building official or the township engineer.
- (11) *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.
- (12) *Exterior lighting.* Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
- (13) *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 property serve the development.

- (14) *Screening.* Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are adjacent to adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.
- (15) *Danger from hazards.* 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. Sites that 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, and public sewer system.
- (16) *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.
- (17) *Sequence of development.* All development phases shall be designed in logical sequence to ensure 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.
- (18) *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. of 7-16-1992, § 22.02E)

Secs. 32-81—32-103. - Reserved.

DIVISION 4. - SPECIAL USES

Sec. 32-104. - Intent.

- (a) The procedures and standards in this section are intended to provide a consistent and uniform method for review of special use proposals. special uses are uses, either public or private, that possess unique characteristics and therefore cannot be properly classified as permitted uses in a particular zoning district.
- (b) These review procedures and standards are intended to accomplish the following purposes:
 - (1) Ensure full compliance with the standards contained in this chapter and other applicable local ordinances, and state and federal laws.
 - (2) Achieve efficient use of the land.
 - (3) Prevent adverse impact on adjoining or nearby properties.
 - (4) Protect natural resources.
 - (5) Facilitate development in accordance with the township's land use objectives.

(Ord. of 7-16-1992, § 22.03A)

Sec. 32-105. - Procedures and requirements.

Special use applications shall be submitted in accordance with the following procedures and requirements, that provide for review and action by the planning commission, followed by optional review by the township board. Although a site plan must be submitted with a special use application, approval of the special use as an activity is required prior to site plan review and approval:

- (1) *Applicant eligibility.* The application shall be submitted by the owner of an interest in land for which special use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present

- at all scheduled review meetings or consideration of the proposal shall be tabled by the planning commission.
- (2) *Application forms and documentation.* The application for special use shall be made on the forms and according to the guidelines established by the building official.
 - (3) *Application data requirements.* A site plan shall be submitted with the special use application. In addition, the applicant shall complete any forms and supply any other data that may be required by the planning commission, township board, or township staff to make the determination required, herein. The applicant shall provide all necessary written or graphic materials to document compliance with the standards set forth in section 32-106, and other regulatory guidelines specified for particular special uses elsewhere in this chapter.
 - (4) *Site plan preparation.* The site plan shall be prepared in the manner specified in division 3 of this article and on the special use application form. A site plan that does not meet these stipulated requirements shall be considered incomplete and shall not be reviewed.
 - (5) *Submission of a completed plan.* The special use application materials, required fees, and 25 copies of the completed site plan shall be submitted to the building department for review.
 - (6) *Review by the building official.* The building official may review the site plan and application materials, and may prepare a written review specifying any deficiencies in the site plan and application and make recommendations as appropriate.
 - (7) *Submission of a revised plan and special use application.* The applicant shall revise the site plan and application materials, based on the recommendations set forth in the building official's initial review. The applicant shall submit 25 copies of the revised plan for review by the planning commission.
 - (8) *Planning commission consideration.* After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:
 - a. *Acceptance for processing.* The application shall be placed on the agenda of a scheduled planning commission meeting and a public hearing shall be scheduled.
 - b. *Public hearing.* Notice of the public hearing shall be given in accordance with division 12 of this article.
 - c. *Planning commission review.* Following the public hearing, the special use proposal and plan shall be reviewed by the planning commission, based upon the standards and regulations in this section.
 - d. *Plan revision.* If the planning commission determines that revisions are necessary to bring the special use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised application and site plan. Following submission of revised application materials, the special use proposal shall be placed on the agenda of a scheduled meeting of the planning commission for further review and possible action.
 - (9) *Planning commission determination.* The planning commission shall review the application for special use, together with the public hearing findings and reports and recommendations from the building official, township planner, township engineer, public safety officials, and other reviewing agencies. The planning commission shall then make a determination on the special use application, based on the requirements and standards of this chapter. The planning commission may approve, approve with conditions, or deny a special use request as follows:
 - a. *Approval.* Upon determination by the planning commission that the final plan for special use is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, approval shall be granted.
 - b. *Approval with conditions.* The planning commission may impose reasonable conditions with the approval of a special use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements:
 1. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and

economic well-being of those who will use the 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. Conditions shall be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
3. Conditions shall be necessary to meet the intent and purpose of this chapter, related to the standards established in this chapter for the land use or activity under consideration, and necessary to ensure compliance with those standards.

- c. *Denial.* Upon determination by the planning commission that a special use proposal fails to comply with the standards and regulations set forth in this chapter, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the township, the special use proposal shall be denied.

For all special land use decisions, the planning commission shall prepare and transmit to the township board a report to the township board stating its findings and conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision relative to the special land use. The report shall specify the basis for the decision and any conditions imposed as part of the decision.

- (10) *Submission of plans for township board review.* After the planning commission makes its determination, the special use application and site plan shall be submitted to the township board for possible consideration. The township board shall have 30 calendar days to consider the application in a public meeting or to decide by resolution that they will consider the application at a future public meeting. If the township board takes no action or decides not to take the application under consideration, the decision by the planning commission shall become final. If the township board considers and acts on the application, then the planning commission's decision shall be considered a recommendation and the decision by the township board shall become final.
- (11) *Public hearing.* If the township board chooses to consider a special use application, it shall first schedule a public hearing, notice of which shall be given in accordance with division 12 of this article.
- (12) *Township board determination.* The township board shall make a determination based on review of the application and site plan together with the findings of the planning commission, and the reports and recommendation from the building official, township planner, township engineer, public safety officials, and other reviewing agencies. Following completion of its review, the township board shall approve, approve with conditions, or deny a special use proposal in accordance with the guidelines described previously in subsection (9) of this section.
- (13) *Recording of planning commission and township board action.* Each action taken with respect to a special use shall be duly recorded in the minutes of the planning commission or township board, as appropriate. The minutes shall record the findings of fact relative to each special use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.
- (14) *Effect of approval.* Upon approval, a special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located.
- (15) *Zoning board of appeals authority.* The zoning board of appeals shall not have the authority to consider an appeal of any action by the township board or planning commission concerning a special use proposal. The zoning board of appeals shall have authority to consider variances associated with a special use site plan that relate to setbacks and dimensional requirements.
- (16) *Application for a building permit.* Prior to issuance of a building permit, the applicant shall submit proof of the following:
 - a. Final approval of the special use application.
 - b. Final approval of the site plan.

- c. Final approval of the engineering plans.
 - d. Acquisition of all other applicable township, county, or state permits.
- (17) *Expiration of special use approval.* If construction has not commenced within 12 months of date of final special use approval, the approval becomes null and void and a new application for special use shall be required. Upon written request from the applicant, a 12-month extension may be granted by the body making the final decision on the special use request, if it finds that the approved special use application and site plan adequately represent current conditions on and surrounding the site. The written request for extension must be received from the applicant prior to the site plan expiration date or a new application for special use review will be required.
- (18) *Revocation of special use approval.* Approval of a special use proposal and site plan may be revoked by the body that made the final decision if construction is not in conformance with the approved plans. In such a case, the building official shall ask that the special use proposal be placed on the agenda of the planning commission or township board, as appropriate. Written notice shall be provided to the applicant at least five calendar days prior to the meeting at which the case will be considered. The applicant shall be provided an opportunity to present information and to answer questions. The planning commission or township board, as appropriate, may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.
- (19) *Performance guarantee.* The planning commission or township board may require that a performance guarantee be deposited with the township to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements in section 32-634.

(Ord. of 7-16-1992, § 22.03B; Ord. of 3-11-2010, § 22.03)

Sec. 32-106. - Standards for granting special use approval.

Approval of a special use proposal shall be based on the determination that the proposed use will comply will all applicable requirements of this chapter, including site plan review criteria set forth in division 4 of this article, applicable site development standards for specific uses set forth elsewhere in this chapter, and the following standards:

- (1) *Compatibility with adjacent uses.* The proposed special use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - c. The hours of operation of the proposed use. approval of a special use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
- (2) *Compatibility with the master plan.* The proposed special use shall be consistent with the general principles and objectives of the adopted township master plan.
- (3) *Compliance with applicable regulations.* The proposed special use shall be and shall remain in compliance with all applicable federal, state, and local ordinances.
- (4) *Use of adjacent property.* The special use shall not interfere with the use and enjoyment of adjacent property.
- (5) *Public services.* The proposed special use 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 project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special use is completed.

- (6) *Impact of traffic.* The design of the proposed special use site shall minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
- a. Proximity and access to major thoroughfares.
 - b. Estimated traffic generated by the proposed use.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver sight distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provision of pedestrian traffic.
- (7) *Enhancement of surrounding environment.* The proposed special use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
- a. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this chapter may be required as a condition of approval of a special use.
 - b. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
- (8) *Impact on public health, safety, and welfare.* The proposed special use shall not involve any activities, processes, materials, equipment, or conditions of operation, nor shall it be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
- (9) *Isolation of existing uses.* The location of the proposed special use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed special use shall not result in a small nonresidential area being substantially surrounded by otherwise incompatible uses.
- (10) *Need for the proposed use.* The planning commission and/or township board shall find that a need for the proposed use exists in the community at the time the special use proposal is considered.

(Ord. of 7-16-1992, § 22.03C)

Secs. 32-107—32-125. - Reserved.

DIVISION 5. - PLANNED DEVELOPMENT

Sec. 32-126. - Intent.

The purpose of this division is to provide guidelines and standards to be followed by the zoning board of appeals in considering requests for variances and appeals, where the jurisdiction of the board of appeals has been established by this chapter or by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 7-16-1992, § 22.04A; Ord. of 3-11-2010, § 22.04)

Sec. 32-127. - Procedures and requirements.

- (a) *Amendment required.* The approval of a planned development application shall require an amendment to this chapter to revise the zoning map and designate the subject property as planned development. Approval granted under this section, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

- (b) *Review procedures.* Planned development applications shall be submitted in accordance with the following procedures and requirements, thus providing for detailed review of planned development proposals by the planning commission, followed by review and approval consideration by the township board:
- (1) *Applicant eligibility.* The application shall be submitted by the owner of an interest in land for which planned development approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled.
 - (2) *Application forms and documentation.* The application for planned development shall be made on the forms and according to the guidelines specified by the building official.
 - (3) *Site plan preparation.* The site plan shall be prepared in the manner specified in this section and on the planned development application form. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review.
 - (4) *Submission of a completed plan.* The planned development application materials, required fees, and sufficient copies of the completed site plan shall be submitted to the building department for review.
 - (5) *Review by the building official.* The building official shall review the site plan and application materials, and prepare or cause to be prepared a written review, that shall specify any deficiencies in the site plan and make recommendations as appropriate.
 - (6) *Submission of a revised plan and planned development application.* The applicant shall revise the site plan and application materials, based on the recommendations set forth in the building official's review. The applicant shall then submit sufficient copies of the revised plan for further review by the planning commission. Copies of the site plan and application shall also be transmitted to the township board for informational purposes.
 - (7) *Planning commission consideration.* After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:
 - a. *Acceptance for processing.* The application shall be placed on the agenda of a scheduled planning commission meeting for a public hearing.
 - b. *Public hearing.* Notice of the public hearing shall be given in accordance with division 12 of this article, and the public hearing and notice required by this subsection shall be regarded as fulfilling the public hearing and notice requirements for amendment of this chapter. The planning commission and township board may hold a joint public hearing on a planned development application if they so desire.
 - c. *Planning commission review.* Following the public hearing, the planned development proposal and plan shall be reviewed by the planning commission in relation to applicable standards and regulations and consistency with the intent and spirit of the planned development concept.
 - d. *Plan revision.* If the planning commission 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. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next scheduled meeting of the planning commission for further review and possible action.
 - (8) *Planning commission determination.* The planning commission shall review the application for planned development, together with the public hearing findings and reports, including recommendations from the building official, township planner, township engineer, public safety officials, and other reviewing agencies. The planning commission shall then make a recommendation to the township board, based on the requirements and standards of this chapter. The planning commission may recommend approval, approval with conditions, or denial as follows:
 - a. *Approval.* Upon determination by the planning commission that the final plan for planned development is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, the planning commission shall recommend approval.

- b. *Approval with conditions.* The planning commission may recommend that the township board impose reasonable conditions with the approval of a planned development proposal, to the extent authorized by law, for the following purposes:
1. To ensure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.
 2. To protect the natural environment and conserve natural resources and energy.
 3. To ensure compatibility with adjacent uses of land.
 4. To promote the use of land in a socially and economically desirable manner.
 5. To protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
 6. To achieve the intent and purpose of this chapter. In the event that the planned development is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided herein.
- 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 chapter, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the township, the planning commission shall recommend denial. For all planned development decisions, the planning commission shall prepare and transmit to the township board a report to the township board stating its findings and conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision relative to the planned development. The report shall specify the basis for the decision and any conditions imposed as part of the decision.
- (9) *Submission of plans for township board review.* After the planning commission makes its recommendation, the applicant shall make any required revisions and submit sufficient copies of the revised site plan and supporting materials for township board review.
- (10) *Public hearing.* Upon receipt of a planned development plan and application, the township board shall schedule a public hearing, unless a joint public hearing has already occurred, notice of which shall be given in accordance with division 12 of this article. The township board and the planning commission may hold a joint public hearing on a planned development application if they so desire.
- (11) *Township board determination.* The township board shall make a determination based on review of the final plan together with the findings of the planning commission, and the reports and recommendation from the building official, township planner, township engineer, public safety officials, 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 subsection (b)(8) of this section.
- (12) *Recording of planning commission and township board action.* Each action taken with respect to a planned development shall be duly recorded in the minutes of the planning commission or township board, as appropriate, respective decision-making body. The findings and conclusions relative to grounds for the action taken shall also be recorded in the minutes.
- (c) *Effect of approval.* Approval of a planned development proposal shall constitute an amendment to this chapter. All improvements and use of the site shall be in conformity with the planned development amendment as presented in the approved site plan and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in division 7 of this article. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned development unless an amendment is adopted by the township board upon request by the applicant or his successors.

- (d) *Zoning board of appeals authority.* The zoning board of appeals shall not have the authority to consider an appeal of a decision of the township board or the planning commission concerning a planned development proposal.
- (e) *Application for a building permit.* Prior to issuance of a building permit, the applicant shall submit proof of the following:
- (1) Final approval of the site plan and planned development application.
 - (2) Final approval of the engineering plans.
 - (3) Acquisition of all other applicable township, county, or state permits.
- (f) *Expiration of planned development approval.* If construction has not commenced within 12 months of final approval, the approval becomes null and void and a new application for planned development shall be required. The township board may grant a 12-month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date. In the event that an approved planned development plan becomes null and void, the township shall initiate proceedings to amend the zoning classification of the site.
- (g) *Performance guarantee.* The planning commission or township board may require that a performance guarantee be deposited with the township to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, streets, lighting and sidewalks. The performance guarantee shall comply with the requirements in section 32-634.
- (h) *Revision to approved plans.*
- (1) *General revisions.* An approved planned development proposal and plan may be revised in accordance with the procedures set forth for approval of a new proposal.
 - (2) *Minor changes.*
 - a. Notwithstanding subsection (h)(1) of this section, minor changes may be permitted by the planning commission following normal site plan review procedures outlined in division 3 of this article, subject to the planning commission finding that:
 1. The proposed changes will not affect the initial basis on which initial approval was granted.
 2. The proposed minor changes will not adversely affect the overall planned development in light of the intent and purposes of such development as stated in section 32-567.
 3. The proposed changes will not affect the character or intensity of use, the general configuration of a buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.
 - b. Examples of minor changes include, but are not limited to:
 1. Additions or alteration to the landscape plan or landscape materials.
 2. Alterations to the internal parking layout of an off-street lot, provided that the total number of spaces does not change.
 3. Relocation of a trash receptacle.
 4. An increase in floor area of less than 20 percent of the initial total floor area up to 5,000 square feet.
 - (3) *Application data requirements.* Applications for planned development approval shall include all applicable data required for site plan review as specified in division 3 of this article. In addition, the application shall include the following:
 - a. An overall plan for the planned development. 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, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other nonresidential use; each type of open space; community facilities and public areas; and other types of land use.

- b. A map and written explanation of the relationship of the proposed planned development to the township's master plan.
- c. Information concerning traffic generated by the proposed planned development. Sufficient information shall be provided to allow the township to evaluate the impact of the proposed development on adjoining roads. The following traffic-related information shall be provided: estimates of the volume of traffic generated by each use, the peak hour volume of traffic expected to be generated by the proposed development, a schematic drawing indicating vehicular movement through the site including anticipated turning movements, and measures being proposed to alleviate the impact of the development on the circulation system.
- d. Analysis of the fiscal impact of the proposed planned development on the operations of the township and the appropriate school district.
- e. Evidence of market need for the proposed uses and the feasibility of completing the project in its entirety. This requirement may be waived by the planning commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.
- f. Legal documentation of single ownership or control. The documentation shall be in the form of agreements, contracts, covenants, and deed restrictions that 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 at public expense will continue to be operated and maintained by the developers or their successors.
- g. A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.
- h. A draft of ownership and governance documents. These documents shall include the following:
 - 1. Deeds of ownership.
 - 2. Warranties guaranteeing ownership conveyed and described in the deeds.
 - 3. A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the planned development.
 - 4. Association bylaws (for example, condominium association bylaws) that describe how the association is organized; the duties of the association to operate, manage, and maintain common elements of the planned development; and, the duties of individual shareholders to manage and maintain their own units.

(Ord. of 7-16-1992, § 22.04B; Ord. of 3-11-2010, § 22.04)

Secs. 32-128—32-152. - Reserved.

DIVISION 6. - VARIANCES AND APPEALS

Sec. 32-153. - Intent.

The purpose of this division is to provide guidelines and standards to be followed by the zoning board of appeals in considering requests for variances and appeals, where the jurisdiction of the board of appeals has been established by this chapter or by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. of 7-16-1992, § 22.05A; Ord. of 3-11-2010, § 22.05)

Sec. 32-154. - Purpose of variances and appeals.

- (a) *Appeals.* Generally, an appeal may be taken to the zoning board of appeals by a person, or by any office, department, board, or bureau aggrieved by a decision of the planning commission or any administrative or enforcement official or body charged with enforcement of this chapter.

- (b) *Variances.* Where there are practical difficulties preventing a property owner from conforming with the strict letter of this chapter, the zoning board of appeals shall have the power to authorize variances from the standards in this chapter, with such conditions and safeguards as it may determine to be necessary so that the spirit of this division is observed, public safety secured, and substantial justice done.

(Ord. of 7-16-1992, § 22.05B; Ord. of 3-11-2010, § 22.05)

Sec. 32-155. - Stay of proceedings.

An appeal to the zoning board of appeals shall stay all proceedings in furtherance of the appealed action, unless the building official certifies to the zoning board of appeals, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the circuit court.

(Ord. of 7-16-1992, § 22.05C)

Sec. 32-156. - Application and procedures.

- (a) *Application to the zoning board of appeals.* Variances and appeals for which zoning board of appeals action is sought shall be commenced by a person filing an application to the zoning board of appeals on forms as specified by the building official and accompanied by required fees. The application shall specify the grounds upon which the appeal is based and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the section numbers containing the standards from which a variance is sought and the nature and extent of such variance.
- (b) *Sketch plan requirements.* Applications involving a specific site shall be accompanied by a sketch that includes the following information, where applicable.
- (1) Applicant's name, address, and telephone number.
 - (2) Property identification (Sidwell) number, 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) For variances requested from any dimensional standard of this chapter, the sketch plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.
 - (6) Any additional information required by the building official or the zoning board of appeals to make the determination requested herein.

Where an application to the zoning board of appeals involves a variance sought in conjunction with a site plan review by the planning commission, the application data requirements for site plan review as set forth in division 3 of this article shall be followed.

- (c) *Review by the zoning board of appeals.* The building official shall forward the application, along with any supporting materials and plans to the zoning board of appeals. Following receipt of a written request concerning a request for a variance, the building official or the zoning board of appeals shall fix a reasonable time and place for the hearing of the variance request and give notice in accordance with division 12 of this article. At the hearing, a party may appear in person or by agent or by attorney. Following receipt of a written request seeking an interpretation of this chapter or an appeal of an administrative decision, the building official or the zoning board of appeals shall fix a reasonable time and place for the hearing of the request. A notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person making the request not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a

specific parcel, written notice stating the nature of the request and the time, date, and place of the public hearing on the request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. At the hearing, a party may appear in person or by agent or by attorney.

- (d) *Decision by the zoning board of appeals.* The concurring vote of a majority of the members of the board shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under, or to effect any variation in an ordinance adopted pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. With an affirmative decision, the board may impose conditions pursuant to section 604(7) of Public Act No. 110 of 2006 (MCL 125.3604(7)). The decision of the zoning board of appeals shall be in writing and state the formal determination of the facts, the conclusions derived from the facts, and the decision with any conditions imposed by the board. The decision of the zoning board of appeals shall be final, but any party aggrieved by a decision of the board may appeal to circuit court within 30 days after the decision is certified or approved.
- (e) *Record of appeal.* The zoning board of appeals shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:
- (1) The relevant administrative records and the administrative orders issued thereon relating to the appeal.
 - (2) The notice of the appeal.
 - (3) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the board for its consideration.

The written findings of fact, the decisions, and the conditions imposed by the zoning board of appeals in acting on the appeal shall be entered into the official record, after being signed by the chairperson of the board, thereby effectuating the decision and any conditions imposed thereon.

- (f) *Approval period.* If construction has not commenced within 12 months after the zoning board of appeals grants a variance to permit the erection or alteration of a building, then the variance becomes null and 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.

(Ord. of 7-16-1992, § 22.05D; Ord. of 3-11-2010, § 22.05)

Sec. 32-157. - Standards for variances and appeals.

Variances and appeals shall be granted only in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the board:

- (1) *Criteria applicable to dimensional variances.*
 - a. *Practical difficulties.* Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
 - b. *Substantial justice.* Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

- c. *Public safety and welfare.* The requested variance or appeal can be granted in such fashion that the spirit of this chapter is observed and public safety and welfare secured.
 - d. *Extraordinary circumstances.* There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.
 - e. *Preservation of property rights.* A variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.
 - f. *No safety hazard.* The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety.
 - g. *No impact on land values.* The granting of a variance or appeal will not unreasonably diminish or impair the value of surrounding properties.
 - h. *Neighborhood character.* The granting of a variance or appeal will not alter the essential character of the neighborhood.
 - i. *Light, and air.* The granting of a variance or appeal will not impair the adequate supply of light and air to adjacent property.
 - j. *Promotes orderly development.* The size, character and location of a development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.
 - k. *Traffic flow.* A development permitted upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.
 - l. *No nuisance impacts.* A development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.
 - m. *Impact on adjacent properties.* The location, design, and height of buildings, structures, fences, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.
 - n. *Relationship to adjacent land uses.* The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the township.
- (2) *Criteria applicable to appeals.* The board may reverse an order of an enforcement official only if it finds that the action or decision appealed:
- a. Was arbitrary or capricious;
 - b. Was based on an erroneous finding of a material fact;
 - c. Constituted an abuse of discretion; or
 - d. Was based on erroneous interpretation of this chapter or zoning law.

(Ord. of 7-16-1992, § 22.05E; Ord. of 3-11-2010, § 22.05)

Secs. 32-158—32-182. - Reserved.

DIVISION 7. - AMENDMENTS

Sec. 32-183. - Initiation of amendment.

The township board may from time to time, at its own initiative or upon recommendation from the planning commission or on petition, amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Public Act No. 110 of 2006 (MCL 125.3101 et seq.). 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.

(Ord. of 7-16-1992, § 22.06A; Ord. of 3-11-2010, § 22.06)

Sec. 32-184. - Application for amendment.

A petition for an amendment to revise the text of this chapter or an amendment to change the zoning classification of a particular property, shall be initiated by filing a petition on the forms supplied by the building department and must be accompanied by the fees specified. The petition shall clearly describe the proposed amendment and shall be signed by the applicant. In the case of for a text amendment, the proposed text shall be explicitly stated within the petition. Petitions for rezoning of a specific lot or parcel shall be accompanied by proof of ownership from the applicant and a plot plan or survey containing the following information:

- (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 100 feet of the site.
- (5) Site dimensions, distance to centerline, and right-of-way widths of all abutting streets and alleys.
- (6) Location of natural features such as: existing drainage courses, floodplain, streams, and wooded lots.
- (7) All existing and proposed easements.
- (8) Location of sanitary sewer systems, existing and proposed.
- (9) Location and size of water mains and building service leads, existing and proposed.

(Ord. of 7-16-1992, § 22.06B)

Sec. 32-185. - Review procedures.

- (a) *Petition and supporting materials required.* 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:
 - (1) *Planning commission review.* The petition shall be placed on the agenda of a regularly scheduled meeting of the planning commission. The planning commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Public Act No. 110 of 2006 (MCL 125.3101 et seq.). An amendment petition shall require a public hearing, the notice of which shall be given in accordance with division 12 of this article. Notice of the time and place of the hearing shall be given by mail to each utility company and railroad operating within the zoning district affected. If 11 or more adjacent properties are proposed for rezoning, the notice need not be sent by mail or personal delivery and the notice need not list individual addresses of the properties.
 - (2) *Action by the planning commission and township board.* Following the hearing on the proposed amendment, the planning commission shall make written findings of fact that shall be transmitted together with the comments made at the public hearing and the commission's recommendation to the township board. The township board, at its discretion, may hold an additional hearing. The township board may by majority vote of its membership:
 - a. *Adopt.* Adopt the proposed amendment.
 - b. *Reject.* Deny the proposed amendment.

- c. *Refer.* Return the proposed amendment to the planning commission with comment for further review and 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. *Protest.* Whenever a written protest against a proposed amendment is presented to the township clerk, signed by the owners of at least 20 percent of the area included in the proposed change, or by all persons with an ownership interest of at least 20 percent of the area of land included within an area within 100 feet from any point on the boundary of the lot or parcel in the proposed change, excluding publicly owned land in calculating the 20 percent requirement, such amendment shall be passed only by an affirmative vote of three-fourths of the entire township board.
 - e. *Reconsideration of a proposed amendment.* No application for a map amendment that has been denied by the township board shall be reconsidered by the township unless there have been substantial changes in the facts, evidence, and/or conditions in the case. Determination of whether there have been such changes shall be made by the planning commission at the time an application is initially reviewed.
- (3) *Review considerations.* The planning commission and township board shall, at minimum, consider the following before taking action on any proposed amendment:
- a. Will the proposed amendment be in accordance with the basic intent and purpose of the zoning ordinance?
 - b. Will the proposed amendment further the comprehensive planning goals of the township?
 - c. Have conditions changed since the zoning ordinance was adopted, or was there a mistake in the zoning ordinance, that justifies the amendment?
 - d. Will the amendment correct an inequitable situation created by the zoning ordinance, rather than merely grant special privileges?
 - e. Will the amendment result in unlawful exclusionary zoning?
 - f. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
 - g. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
 - h. If a rezoning is requested, could all of the requirements in the proposed zoning classification be accommodated on the subject parcel?
- (4) *Notice and record of amendment adoption.* Following adoption of an amendment by the township board, notice shall be published in newspaper of general circulation in the township within 15 days after adoption, in accordance with section 401(7) of Public Act No. 110 of 2006 (MCL 125.3401(7)). The notice shall include:
- a. A summary of either the regulatory effect of the amendment including the geographic area affected, or the text of the amendment;
 - b. The effective date of the amendment; and
 - c. The item and place where a copy of the ordinance may be purchased or inspected.
- (b) *Recordkeeping and maintenance of map amendments.* A record of all amendments shall be maintained by the township clerk. The master zoning map identifying all map amendments by number and date shall be maintained by the building official.

(Ord. of 7-16-1992, § 22.06C; Ord. of 3-11-2010, § 22.06)

Secs. 32-186—32-208. - Reserved.

DIVISION 8. - PERMITS AND CERTIFICATES

Sec. 32-209. - Definitions.

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

Alteration, renovation and repair include any changes in structural parts, stairway, entryway, 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 state construction code, the Housing Law of Michigan (Public Act No. 167 of 1917 (MCL 125.401 et seq.), this chapter or other applicable ordinances of the township.

(Ord. of 7-16-1992, § 22.07A.2)

Sec. 32-210. - Permits.

- (a) *Required.* A building permit or other appropriate permit shall be required as follows:
- (1) Prior to the erection, alteration, renovation, repair, 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 land 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.
- (b) *Application requirements.* No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted demonstrating that the proposed improvements comply with the provisions of this chapter and the state construction code. Applications for permits required by this section shall be filed with the building official on forms prescribed by that official. Each application shall be accompanied by a written explanation of the proposed improvements, and, if applicable, a plan of the site drawn to scale. Submitted plans shall be of sufficient detail for the official to determine whether the proposed improvements conform with this chapter, the state construction code, the state construction code act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), and other applicable laws and ordinances. A site plan submitted and approved by the planning commission in accordance with this chapter shall satisfy the requirements of this section as to detail of information. If a site plan is not required for the activity, the applicant must supply the following items, at a minimum:
- (1) The location, dimensions and parcel identification (Sidwell) number of the land parcel.
 - (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.
 - (4) On residential parcels, the number of dwelling units contained within each building and the number of bedrooms per unit.
 - (5) The name and address of all persons having an ownership 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.
 - (6) All information required by the state construction code.
 - (7) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter will be complied with.
- (c) *Conformity with applicable ordinances and approved plans.* Except where a variance has been granted by the township zoning board of appeals or the township construction board of appeals, a building permit shall be issued only if the building official finds that the proposal conforms with the following after inspection of the application materials and plans:
- (1) This chapter;
 - (2) The state construction code act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.);

- (3) All township adopted codes; and
- (4) Other applicable laws and ordinances.

A building permit issued on the basis of a site plan approved by the planning commission shall incorporate full compliance with the approved site plan as a condition of the issuance of the permit. Modifications to an approved site plan shall be made only in compliance with this chapter. Use, layout, or construction at variance with approved plans or application materials shall be deemed a violation of this chapter and subject to penalties in accordance with division 10 of this article.

- (d) *Expiration of permits.* A building permit issued pursuant to the provisions of this chapter shall be consistent with the procedures stated within state construction code. Expiration and notification requirements of the applicable code shall be followed.
- (e) *Inspection of completed work.* The holder of a building permit issued pursuant to the requirements in this section shall provide adequate notice to the building official for a final inspection and review of a certificate of occupancy upon completion of the work authorized by the permit. No occupancy shall be allowed prior to approval of the final inspection.

(Ord. of 7-16-1992, § 22.07A)

Sec. 32-211. - Certificates of occupancy.

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

(1) *General requirements.*

- a. *Purpose.* The purpose of a certificate of occupancy is to regulate the occupancy or use of land, buildings, or structures, thus ensuring compliance with adopted ordinance and codes of township.
- b. *Certificates required.* A certificate of occupancy shall be required to use failure to obtain a certificate of occupancy prior to commencing the use of property shall constitute a violation of this chapter, subject to the penalties set forth in division 10 of this article.
- c. *Issuance of certificate.* The certificate of occupancy shall be issued only after a determination by the building official of the following:
 - 1. The site complies with the provisions of this chapter;
 - 2. The site complies with the approved site plan and any conditions placed thereon;
 - 3. The construction complies with all requirements of the adopted township building and construction codes;
 - 4. The construction meets all adopted township engineering standards; and
 - 5. Outstanding township fees or charges have been paid.
- d. *Temporary certificates.* A temporary certificate of occupancy may be issued by the building official 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 meets the requirements in subsection (1)c of this section, and provided further that no threat to public safety exists. A performance guarantee may be required by the building official as a condition of obtaining a temporary certificate and in accordance with section 32-634. No temporary certificate of occupancy shall be granted for a period in excess of six months. 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 chapter, subject to the penalties set forth in division 10 of this article.
- e. *Certificates for accessory buildings to dwellings.* Accessory buildings or uses shown on the plot plan and completed at the same time as the principal use shall not require a separate certificate of occupancy and shall be included in the certificate of occupancy for the principal use on the same parcel. Accessory buildings and

structures added to a site after the initial certificate of occupancy has been issued shall require a separate certificate of occupancy.

- (2) *Period of validity.* A final certificate of occupancy for a residential dwelling unit shall remain in effect for the life of the unit. A final certificate of occupancy for building or structure, or part thereof; other than a residential dwelling unit shall remain in effect as long as an approved operation conducted within the building or structure or use of the land continues. A certificate of occupancy shall be required for each new occupant of a building or structure upon a change in occupancy of the building, structure, or land with the exception of residential uses.
- (3) *Records of certificates.* A record of all certificate 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.
- (4) *Application requirements.* An application for a certificate of occupancy shall be made on forms supplied by the building official and must be accompanied by the fees specified. A certificate of occupancy may be processed concurrently with an application for a building permit, if a building permit is required. The building official shall determine if a nonresidential occupancy change requires site plan review and approval by the planning commission pursuant to division 3 of this article.
- (5) *Issuance of certificate.* The enforcement official shall inspect a building or structure within five working days after notification by an applicant of the 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 conforms with an approved site plan and the provisions of this chapter. If the request for a certificate of occupancy is denied, the applicant shall be notified in writing of the denial and the reasons for denial.

(Ord. of 7-16-1992, § 22.07B)

Secs. 32-212—32-230. - Reserved.

DIVISION 9. - FEES

Sec. 32-231. - Establishment.

Any application for site plan review, review of a special land use proposal, review of a planned development proposal, request for a variance, request for inspection, request for a building or zoning permit, request for a certificate of occupancy, an amendment to this chapter, or other request for other action pursuant to the regulations set forth in this chapter shall be subject to and accompanied by a fee as established by the township board. Such fees shall be collected in advance of any reviews, inspections, or issuance of any permits or approvals. Upon notification of deficient payment of fees, the building official shall cause any permits to be suspended and reject applications for new permits directly associated with the project.

(Ord. of 7-16-1992, § 22.08A)

Sec. 32-232. - Waiver of fee.

There shall be no fee in the case of applications filed in the public interest by the township board, a township department or commission, or the township building official.

(Ord. of 7-16-1992, § 22.08B)

Sec. 32-233. - Performance guarantee.

The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in section 32-634.

(Ord. of 7-16-1992, § 22.08C)

Secs. 32-234—32-259. - Reserved.

DIVISION 10. - VIOLATIONS AND PENALTIES

Sec. 32-260. - 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 chapter are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

(Ord. of 7-16-1992, § 22.09A)

Sec. 32-261. - 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 chapter or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of this chapter by the building official or any other enforcement official shall be deemed in violation of this chapter.

(Ord. of 7-16-1992, § 22.09B)

Sec. 32-262. - Penalties.

Any violation of this chapter shall constitute a misdemeanor. Any person who is convicted shall be subject to punishment by a fine not exceeding \$500.00 or by imprisonment not exceeding 90 days for each offense, or both, at the discretion of the court. Each day a violation occurs or is continued shall constitute a separate offense. Furthermore, the owner, any party with an ownership interest or the occupant 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 chapter may each be found guilty of a separate offense and may be subject to the penalties provided herein. All costs of prosecution and the related administrative costs of any enforcement action shall also be assessed against the violator. The imposition of a fine or sentence shall not exempt the offender from ensuring compliance with the requirements of this chapter.

(Ord. of 7-16-1992, § 22.09C)

Sec. 32-263. - Authority to pursue court action.

The building official may 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 chapter, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute a lawsuit or join the township in such an action to abate the violation.

(Ord. of 7-16-1992, § 22.09D)

Sec. 32-264. - Other remedies.

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

(Ord. of 7-16-1992, § 22.09E)

Sec. 32-265. - Rights and remedies preserved.

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

(Ord. of 7-16-1992, § 22.09F)

Secs. 32-266—32-293. - Reserved.

DIVISION 11. - RECORDS

Sec. 32-294. - Maintenance.

Permanent and current records of this chapter, including, but not necessarily limited to, all maps, amendments, variances, appeals, special land uses, certificates of occupancy, and related applications, shall be maintained in the office of the building official.

(Ord. of 7-16-1992, § 22.10A)

Sec. 32-295. - Recorded documents.

Every rule or regulation, decision, finding of fact, condition of approval, resolution, or other transaction of business of the planning commission or zoning board of appeals shall be duly recorded and filed in the public records of the office of the township clerk.

(Ord. of 7-16-1992, § 22.10B)

Sec. 32-296. - Availability.

A copy of any application, permit, certificate of occupancy, transcript of a public meeting, or other item of the public record, may be obtained from the appropriate township office in accordance with township policy and Public Act No. 442 of 1976 (MCL 15.231 et seq.), freedom of information act, upon written request and payment for reimbursement of specified costs.

(Ord. of 7-16-1992, § 22.10C)

Secs. 32-297—32-325. - Reserved.

DIVISION 12. - NOTICE

Sec. 32-326. - Required.

Except as otherwise provided in this chapter, if the township is required to provide notice and a public hearing, the township shall:

- (1) Publish notice of the request in a newspaper of general circulation in the township;
- (2) Mail or personally deliver notice to the owners of property for which approval is being considered; and
- (3) Mail or personally deliver notice to all persons to whom real property is assessed within 300 feet of the subject property and to occupants of all structures within 300 feet of the subject property, regardless of whether the property or occupant is located in the township. If the name of an occupant is not known, the term "occupant" may be used.

(Ord. of 3-11-2010, § 22.11A)

Sec. 32-327. - Time requirement.

The notice specified in section 32-326 shall be given not less than 15 days before the date the application will be considered for approval.

(Ord. of 3-11-2010, § 22.11B)

Sec. 32-328. - Contents.

The notice shall do all of the following:

- (1) Describe the nature of the request;
- (2) Indicate the property that is the subject of the request by street address, or if none, other appropriate descriptive terms;
- (3) State when and where the request will be considered; and
- (4) Indicate when and where written comments will be received concerning the request.

(Ord. of 3-11-2010, § 22.11C)

Secs. 32-329—32-359. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 32-360. - Creation of districts.

For the purposes of this chapter, the township is hereby divided into the following zoning districts as shown on the official zoning map:

- (1) R-1A One-Family Residential District.
- (2) R-1B One-Family Residential District.
- (3) R-M Multiple-Family Residential District.
- (4) O-1 Office District.
- (5) C-1 Neighborhood Business District.
- (6) C-2 Community Business District.
- (7) C-3 General Business District.
- (8) M-1 Industrial Park District.
- (9) M-2 Light Industrial District.
- (10) PD Planned Development District.
- (11) PP Public Property District.

(Ord. of 7-16-1992, § 9.01)

Sec. 32-361. - Adoption of zoning map.

- (a) The boundaries of the zoning districts listed in section 32-360 are hereby established as shown on the official zoning map of the township. The zoning map with all notations, references, and other information shown thereon shall be, and is hereby declared to be a part of this chapter as if fully described herein.
- (b) In accordance with the provisions of this chapter (see division 7 of this article) and sections 401(7) through 401(9) of Public

Act No. 110 of 2006 (MCL 125.3401(7)—(9)), 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 this chapter.

- (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 municipal offices and shall be the final authority with regard to the current zoning status of all land in the township.

(Ord. of 7-16-1992, § 9.02; Ord. of 3-11-2010, § 9.02)

Sec. 32-362. - Interpretation of district boundaries.

The following rules shall apply to the interpretation of zoning district boundaries:

- (1) Boundaries indicated as approximately following the centerlines of streets, roads, or alleys shall be construed to follow such centerlines. On parcels adjacent to a street or road, the zoning shall be construed to extend to the centerline of the adjacent street or road, unless otherwise indicated on the zoning map.
- (2) Boundaries indicated as approximately following lot lines or tax parcel boundaries shall be construed as following such lot lines or boundaries.
- (3) Boundaries indicated as approximately following township limits shall be construed as following such limits.
- (4) Boundaries indicated as approximately following the centerlines of ditches or drains or easements therefor shall be construed to follow such centerlines.
- (5) Boundaries indicated as parallel to or as an extension of features cited in subsections (1) through (4) of this section 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.
- (6) 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.

(Ord. of 7-16-1992, § 9.03)

Sec. 32-363. - 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.

(Ord. of 7-16-1992, § 9.04)

Sec. 32-364. - District requirements.

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this chapter. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

(Ord. of 7-16-1992, § 9.05; Ord. of 8-2-2010, § 9.05)

Secs. 32-365—32-386. - Reserved.

DIVISION 2. - R-1A AND R-1B ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 32-387. - Statement of purpose.

- (a) The intent of the R-1A and R-1B one-family residential districts is to provide areas of the township for the construction and continued use of single-family dwellings within stable neighborhoods. Each of the one-family residential districts has different minimum area, density, and building placement requirements to provide different housing types to accommodate the varied needs of the population.
- (b) The regulations in this article are intended to promote development that preserves and enhances the physical characteristics of the township to the maximum extent possible. 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 single-family development of or quality of life in this residential district.

(Ord. of 7-16-1992, § 10.01)

Sec. 32-388. - Permitted uses and structures.

- (a) *Principal uses and structures.* In all areas zoned R-1A or R-1B one-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.
 - (2) Publicly owned and operated parks, parkways, and recreation facilities.
 - (3) Private parks owned and maintained by homeowner associations.
 - (4) Manufactured homes.
 - (5) Municipal buildings and uses, including public libraries, which do not require outside storage of materials or equipment.
 - (6) State licensed residential facilities which provide resident service for six or fewer persons, such as adult foster care family homes, foster family homes, or foster family group homes, and family child care homes, subject to the regulations in section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
 - (7) Home occupations, subject to the provisions in section 32-622.
 - (8) Essential services, subject to the provisions in section 32-632.
 - (9) Uses and structures accessory to the above, subject to the provisions in section 32-619.
- (b) *Special land uses.* The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in article II of this chapter.
 - (1) An accessory apartment subject to the provisions in section 32-766.
 - (2) Public, parochial, and other private elementary, intermediate, or high schools licensed by the state to offer courses in general education.
 - (3) Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
 - (4) Group child care homes and child care centers, subject to the provisions in section 32-765(g).
 - (5) Religious institutions, subject to the provisions in section 32-765(r).
 - (6) Private swimming pools and swimming pool clubs and private noncommercial recreational facilities, such as a subdivision or neighborhood center, a nonprofit swimming pool club, or similar facility, subject to the provisions in section 32-765(q).
 - (7) Community buildings, including educational, social, neighborhood, or community centers, but not a residential club operated as a commercial enterprise, subject to the provisions in section 32-765(q).
 - (8) The use of a separate parcel or lot solely for gardening or the production of agricultural products.

Sec. 32-389. - Development standards.

- (a) *Site plan review.* Site plan review and approval by the planning commission in accordance with this chapter is required for all uses in one-family residential districts except for the following:
 - (1) Detached single-family residential uses as permitted in section 32-388.
 - (2) State licensed facilities and family child care homes as permitted in section 32-388.
- (b) *Area, height, bulk, and placement requirements.* Buildings and uses in the R-1A and R-1B, One-Family Residential Districts are subject to the area, height, bulk, and placement requirements in schedule of regulations, division 12 of this article.
- (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 division 10 of this article.
- (d) *General development standards.* Buildings and uses in the R-1A and R-1B, One-Family Residential Districts shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VIII	Walls
Article IX	Site development standards
Article XI	Signs

(Ord. of 7-16-1992, § 10.03)

Secs. 32-390—32-406. - Reserved.

DIVISION 3. - R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 32-407. - Statement of purpose.

The intent of the R-M Multiple-Family Residential Districts is to address the varied housing needs of the community by providing locations for development of multiple-family housing and other housing that meets special needs at a higher density than is permitted in the single-family districts. Multiple-family housing in the R-M district should be designed in consideration of the following objectives:

- (1) R-M developments are generally considered suitable transitional uses between single-family detached housing and nonresidential development.
- (2) Multiple-family housing should be provided with necessary services and utilities, including usable outdoor recreation space and a well-designed internal road network.
- (3) 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 R-M district.

- (4) Multiple-family developments in the R-M district should have direct access to a collector road or major thoroughfare.

(Ord. of 7-16-1992, § 11.01)

Sec. 32-408. - Permitted uses and structures.

- (a) *Principal uses and structures.* In all areas zoned R-M 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 or townhouses, as defined in article I of this chapter.
 - (2) Multiple-family dwellings, including apartments, terrace apartments, and row houses.
 - (3) Two-family dwellings and duplexes.
 - (4) Municipal buildings and uses including public libraries, which do not require outside storage of materials or equipment.
 - (5) Publicly owned and operated parks, parkways, and recreation facilities.
 - (6) Private parks owned and maintained by a homeowner association or the proprietor of a housing project.
 - (7) State-licensed residential facilities which provide resident service for six or fewer persons, such as adult foster care family homes, foster family homes, or foster family group homes, and family child care homes, subject to the regulations in section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
 - (8) Home occupations, subject to the provisions in section 32-622.
 - (9) Essential services, subject to the provisions in section 32-632.
 - (10) Uses and structures accessory to the uses provided in subsections (a)(1) through (8) of this section, subject to the provisions in section 32-619, including, but not 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, community garages, or parking lots.
 - d. Signs, subject to the requirements of article XI of this chapter.
- (b) *Special land uses.* The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in article II of this chapter.
- (1) Single-family detached dwellings, subject to the area, height, bulk, and placement requirements for single-family dwellings in the R-1B district, division 2 of this article.
 - (2) Multiple-family housing for the elderly, subject to the provisions in section 32-766(b).
 - (3) Public, parochial, and other private elementary, intermediate, or high schools licensed by the state 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) Hospitals, subject to the provisions in section 32-765(h).
 - (6) Nursing homes, convalescent homes, rest homes, orphanages, and similar uses subject to the provisions in section 32-765(m).
 - (7) Group child care homes and child care centers, subject to the provisions in section 32-765(g).

(8) Religious institutions, subject to the provisions in section 32-765(r).

(9) Private noncommercial recreational facilities, such as a community center or swimming pool for a residential complex.

(Ord. of 7-16-1992, § 11.02; Ord. of 3-11-2010, § 11.02)

Sec. 32-409. - Development standards.

- (a) *Site plan review.* Site plan review and approval is required for all uses in the R-M Multiple-Family Residential District in accordance with article II of this chapter, unless otherwise exempted by state law.
- (b) *Area, height, bulk, and placement requirements.* Buildings and uses in the R-M Multiple-Family Residential District are subject to the area, height, bulk, and placement requirements in division 12 of this article, the 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 division 10 of this article.
- (d) *General development standards.* Buildings and uses in the R-M Multiple-Family Residential District shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VIII	Walls
Article IX	Site development standards
Article XI	Signs

(Ord. of 7-16-1992, § 11.03)

Secs. 32-410—32-431. - Reserved.

DIVISION 4. - O-1 OFFICE DISTRICT

Sec. 32-432. - Statement of purpose.

- (a) The intent of the O-1 Office District is to accommodate various types of administrative and professional office uses, as well as certain related personal service businesses. These uses can serve as transitional uses between more intensive land uses and less intensive residential uses.
- (b) This district prohibits those types of retail and other uses that typically generate large volumes of traffic, traffic congestion, parking problems, require outside storage, or have other impacts that could negatively affect the use or enjoyment of adjoining properties. Accordingly, self-contained office buildings in landscaped settings with sufficient off-street parking are considered the most appropriate land uses in this district. Certain personal service uses, supplementary to an office use, are also allowed.

(Ord. of 7-16-1992, § 12.01)

Sec. 32-433. - 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) Business and technical schools.
 - (2) Electronic data processing and computer centers.
 - (3) Financial institutions.
 - (4) General office buildings and uses, provided that goods are not manufactured or sold on the premises.
 - (5) Medical clinics or offices.
 - (6) Office buildings for any of the following professions or occupations: administrative, professional, business, financial management, publishing, accounting, writing, clerical, drafting, real estate, business machines, sales, secretarial, stenographic, business support services, and like uses subject to the intent and limitations of this article.
 - (7) Public utility offices and publicly owned buildings used for offices or business functions but not including sub-stations, transformer stations, or storage yards.
 - (8) Other uses not specifically listed in this section, following a determination by the zoning board of appeals that such use is similar to other permitted uses in this district.
 - (9) Accessory structures and uses customarily incidental to the uses permitted in subsections (a)(1) through (8) of this section. Accessory uses may include personal service establishments such as shoe repair shops, tailor shops, beauty parlors, barbershops, travel agencies, and including dry cleaning or laundry pickup stations without processing on the premises, which personal services primarily provide services to workers or users of the office building.
- (b) *Special land uses.* The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in articles II and IX of this chapter:
- (1) Medical, dental, or optical laboratories, excluding the manufacturing of pharmaceutical or other products for wholesale distribution.
 - (2) Hospitals, subject to the requirements in section 32-765(h).
 - (3) Standard restaurants without drive-through facilities.
 - (4) Veterinary hospitals or clinics.

(Ord. of 7-16-1992, § 12.02)

Sec. 32-434. - Development standards.

- (a) *Required conditions.* Unless otherwise noted, buildings and uses in the O-1 Office District shall comply with the following requirements:
- (1) Manufacturing of products for wholesale distribution off of the premises is not permitted.
 - (2) All business operations, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
 - (3) There shall be no outside storage of any goods, inventory, or equipment.
 - (4) Warehousing and/or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.
 - (5) No interior display shall be visible from the exterior of the building. The total area devoted to display, including both the objects and the floor space set aside for persons observing displayed objects, shall be limited to a single story or basement and shall not exceed 25 percent of the useable floor area of that story.

- (6) Commercially used or commercially licensed vehicles used in the normal operation of a permitted use on the site may be the rear only. This provision applies to operable vehicles that are moved on and off of the site on a regular basis.
- (7) Parking or storage of damaged or disabled vehicles is prohibited. No vehicle parked on a site shall be used principally for storage, sales, or advertising.
- (8) All sites shall be maintained in compliance with the open space and landscaping requirements of section 32-716.
- (b) *Site plan review.* Site plan review and approval is required for all uses in the O-1 Office District in accordance with article II of this chapter.
- (c) *Area, height, bulk, and placement requirements.* Buildings and uses in the O-1 Office District are subject to the area, height, bulk, and placement requirements in division 12 of this article, the 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 division 10 of this article.
- (e) *General development standards.* Buildings and uses in the community business district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VII	Landscaping
Article VIII	Walls
Article IX	Site development standards
Article XI	Signs

(Ord. of 7-16-1992, § 12.03)

Secs. 32-435—32-451. - Reserved.

DIVISION 5. - C-1 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 32-452. - Statement of purpose.

The C-1 Neighborhood Business District is designed for the convenience of persons residing in adjacent residential areas, and is intended to permit only such uses which satisfy the limited shopping and services needs of these residents. Commercial development in this district offers a less intensive range of goods and services than uses permitted in the C-2 district and the C-3 districts. Because of the limited variety of business types permitted in the C-1 district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, C-1 Neighborhood Shopping District developments should be:

- (1) Compatible in design with adjacent commercial development and adjacent residential districts;

- (2) Designed with a pedestrian orientation;
- (3) Buffered from or located away from residential areas; and
- (4) Located with direct access to a major thoroughfare or indirect access to a major thoroughfare through a minor road or service drive.

(Ord. of 7-16-1992, § 13.01)

Sec. 32-453. - Permitted uses and structures.

(a) *Principal uses and structures.* In the C-1 Neighborhood Business District, except as otherwise provided in this chapter, all buildings shall be erected, and all lands shall be used only for one or more of the following specified uses:

- (1) Business, executive, administrative, and professional offices;
- (2) Business and technical schools and schools and studios for photography, art, music, and dancing;
- (3) Establishments utilizing customer operated automatic washer, dryer, or dry cleaning machines for family washing or dry cleaning;
- (4) Financial institutions without drive-through facilities;
- (5) Medical or dental clinics and offices;
- (6) Newspaper distribution stations, provided that loading and unloading area is provided on the site;
- (7) Personal service establishments such as shoe repair shops, tailor shops, beauty parlors, barbershops, and including dry cleaning or laundry pickup stations without processing on the premises;
- (8) Private clubs, fraternities, and lodges without rental of facilities;
- (9) Public utility business offices;
- (10) Libraries, museums, and publicly owned buildings used for offices or business functions;
- (11) Retail stores which supply goods and commodities on the premises for persons residing in adjacent residential areas such as: groceries, dairy products, beverages, packaged baked goods or other foods, drugs, dry goods, notions, hardware, books, stationery, records, videocassette rentals or sales, bicycles, flowers, sporting goods, paints, periodicals, shoes, hobby supplies, small household articles, and tobacco products;
- (12) Stores producing jewelry, leather goods, candles, and similar merchandise to be sold at retail on the premises, provided that the services of not more than four persons are required to produce such merchandise;
- (13) Other uses not specifically listed in this section, after determination by the zoning board of appeals that such use is similar to other permitted uses in this district;
- (14) Accessory structures and uses customarily incidental to the permitted use in this subsection (a) of this section.

(b) *Special land uses.* The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in articles II and IX of this chapter:

- (1) Financial institutions with drive-through facilities;
- (2) Funeral homes and mortuaries, subject to the provisions in section 32-765(f);
- (3) Group child care home or child care center, subject to the provisions in section 32-765(g);
- (4) Standard restaurants without drive-through facilities.

(Ord. of 7-16-1992, § 13.02)

Sec. 32-454. - Development standards.

(a) *Required conditions.* Unless otherwise noted, buildings and uses in the C-1 district shall comply with the following

requirements:

- (1) All permitted retail or service establishments shall deal directly with retail customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
 - (2) All business operations, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
 - (3) There shall be no outside storage of any goods, inventory, or equipment. All storage must be clearly accessory to the principal permitted use.
 - (4) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
 - (5) Parking or storage of damaged or disabled vehicles shall be prohibited. No vehicles parked on a site shall be used principally for storage, sales, or advertising.
 - (6) All sites shall be maintained in compliance with the open space and landscaping requirements of section 32-716.
- (b) *Site plan review.* Site plan review and approval is required for all uses in the C-1 Neighborhood Business District in accordance with article II of this chapter.
- (c) *Area, height, bulk, and placement requirements.* Buildings and uses in the C-1 district are subject to the area, height, bulk, and placement requirements in division 12 of this article, 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 division 10 of this article.
- (e) *General development standards.* Buildings and uses in the C-1 Neighborhood Business District shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VIII	Walls
Article IX	Site development standards
Article XI	Signs

(Ord. of 7-16-1992, § 13.03)

Secs. 32-455—32-476. - Reserved.

DIVISION 6. - C-2 COMMUNITY BUSINESS DISTRICT

Sec. 32-477. - Statement of purpose.

The intent of the C-2 Community Business District is to provide for commercial development that offers a broad range of goods and services. Uses permitted in the C-2 district are generally intended to be less intensive than those permitted in the C-3 district, but provide for uses serving the entire community rather than being limited to services for a localized neighborhood like the C-1 district. Commercial establishments in the C-2 district cater to the convenience and comparison shopping needs of nearby residents. Because of the variety of business types permitted in the C-2 district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, and coordination of site features between adjoining sites. Accordingly, a community business district developments should be:

- (1) Compatible in design with adjacent commercial development;
- (2) Designed as part of a planned shopping center or in coordination with development on adjoining commercial sites;
- (3) Buffered from or located away from residential areas; and
- (4) Providing direct and immediate access to a major thoroughfare.

(Ord. of 7-16-1992, § 14.01)

Sec. 32-478. - Permitted uses and structures.

- (a) *Principal uses and structures.* In all areas zoned C-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 permitted uses:
 - (1) All principal uses and structures permitted in the C-1 district as specified in section 32-453(a).
 - (2) Bakeries limited to the production of goods for retail sale on the premises.
 - (3) Blueprinting shops.
 - (4) Commercial parking lots.
 - (5) Electronics, bicycle, and household appliance repair shops.
 - (6) Laundries and dry cleaning establishments with processing limited to goods brought to the establishment by the individual retail customer.
 - (7) Other uses not specifically listed in this section, after determination by the zoning board of appeals that such use is similar to other uses permitted in this district.
 - (8) Accessory structures and uses customarily incidental to the above permitted uses.
- (b) *Special land uses.* The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in articles II and IX of this chapter:
 - (1) Automobile and vehicle sales establishments.
 - (2) Carry-out restaurants and ice cream parlors.
 - (3) Financial institutions with drive-through facilities.
 - (4) Funeral homes and mortuaries, subject to the provisions of section 32-765(f).
 - (5) Hospitals, subject to the requirements in section 32-765(h).
 - (6) Indoor recreation facilities, subject to the provisions of section 32-765(q).
 - (7) Open air businesses, subject to the provisions of section 32-765(n).
 - (8) Standard restaurants without drive-through facilities.
 - (9) Veterinary hospitals and clinics, subject to the provisions of section 32-765(u).

(Ord. of 7-16-1992, § 14.02)

Sec. 32-479. - Development standards.

- (a) *Required conditions.* Unless otherwise noted, buildings and uses in the C-2 Community Business 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 operations, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
 - (3) There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.
 - (4) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
 - (5) Parking or storage of damaged or disabled vehicles shall be prohibited. No vehicles parked on a site shall be used principally for storage, sales, or advertising.
 - (6) All sites shall be maintained in compliance with the open space and landscaping requirements of section 32-716.
- (b) *Site plan review.* Site plan review and approval is required for all uses in the C-2 Community Business District in accordance with article II of this chapter.
- (c) *Area, height, bulk, and placement requirements.* Buildings and uses in the C-2 Community Business District are subject to the area, height, bulk, and placement requirements in division 12 of this article, the 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 division 10 of this article.
- (e) *General development standards.* Buildings and uses in the community business district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VII	Landscaping
Article VIII	Walls
Article IX	Site development standards
Article XI	Signs

(Ord. of 7-16-1992, § 14.03)

Secs. 32-480—32-496. - Reserved.

DIVISION 7. - C-3 GENERAL BUSINESS DISTRICTS

Sec. 32-497. - Statement of purpose.

- (a) The intent of the C-3 General Business District is to provide for intensive commercial development. The permitted business uses in the C-3 district typically exhibits one or more of the following characteristics:
- (1) Offer a broad range of goods and services, including both comparison and convenience goods and services;
 - (2) The demand market for businesses include the general township population, residents in surrounding communities, and the people in transit;
 - (3) Are frequently auto-oriented, rather than pedestrian-oriented; and
 - (4) Are not generally appropriate adjacent to residential uses because of their impacts and require ample buffering from any adjacent residential use.
- (b) Because of the variety of business types permitted in the C-3 district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, spacing of uses, and coordination of site features between adjoining sites. Accordingly, general business district developments should be:
- (1) Compatible in design with adjacent commercial development;
 - (2) Designed in coordination with development on adjoining commercial sites;
 - (3) Buffered from or located away from residential areas; and
 - (4) Directly served by a major thoroughfare.

(Ord. of 7-16-1992, § 15.01)

Sec. 32-498. - Permitted uses and structures.

- (a) *Principal uses and structures.* In all areas zoned C-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 permitted uses:
- (1) All principal uses and structures permitted in the C-1 district as specified in section 32-453(a).
 - (2) All principal uses and structures permitted in the C-2 district as specified in section 32-478(a).
 - (3) Service establishments including, but not limited to, a workshop maintained by electricians, plumbers, painters, upholsterers, printers, when in conjunction with retail establishments that offer merchandise of a related nature.
 - (4) Greenhouses or nurseries.
 - (5) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards water and sewage pumping stations.
 - (6) Other uses not specifically listed in this section, after determination by the zoning board of appeals that such use is similar to other permitted uses in this district.
 - (7) Accessory structures and uses customarily incidental to the uses permitted in this subsection.
- (b) *Special land uses.* The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in articles II and IX of this chapter:
- (1) All special land uses permitted in the C-2 General Shopping District as stated in section 32-478(b).
 - (2) Automobile filling stations, automobile or vehicle service stations, automobile repair garages.
 - (3) Automobile washes or carwash establishments.
 - (4) Bus terminals, cab stands, and other transit facilities.

- (5) Commercial kennels.
- (6) Drive-in establishments.
- (7) Indoor motion picture theaters and rental halls.
- (8) Miniwarehouses.
- (9) Recreation facilities, indoor and outdoor.
- (10) Regulated uses, subject to the provisions of section 32-768, including:
 - a. Adult physical cultural establishment.
 - b. Adult book or supply store.
 - c. Cabaret.
 - d. Adult motion picture theater or adult live stage performing theater.
 - e. Adult model studio.
 - f. Adult motion picture arcade.
 - g. Massage parlor or massage establishment.
 - h. Adult outdoor motion picture theater.
 - i. Arcade.
 - j. Bar/lounge/tavern.
 - k. Hotel or motel.
 - l. Pool or billiard hall.
 - m. Public lodginghouse.
 - n. Boardinghouse or roominghouse.
 - o. Secondhand stores.
 - p. Specially designated distributor's establishment.
 - q. Specially designated merchant's establishment.
- (11) Restaurants with drive-through facilities.

(Ord. of 7-16-1992, § 15.02)

Sec. 32-499. - Development standards.

- (a) *Required conditions.* Unless otherwise noted, buildings and uses in the C-3 General Business 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 operations, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
 - (3) There shall be no outside storage of any goods, inventory, or equipment. Any storage must be clearly accessory to the principal permitted use.
 - (4) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
 - (5) Parking or storage of damaged or disabled vehicles shall be prohibited. No vehicles parked on a site shall be used principally for storage, sales, or advertising.
 - (6) All sites shall be maintained in compliance with the open space and landscaping requirements of section 32-716.

- (b) *Site plan review.* Site plan review and approval is required for all uses in the C-3 General Business District in accordance with II of this chapter.
- (c) *Area, height, bulk, and placement requirements.* Buildings and uses in the C-3 General Business District are subject to the area, height, bulk, and placement requirements in division 12 of this article, the 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 division 10 of this article.
- (e) *General development standards.* Buildings and uses in the C-3 General Business District shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VIII	Walls
Article IX	Site development standards
Article XI	Signs

(Ord. of 7-16-1992, § 15.03)

Secs. 32-500—32-521. - Reserved.

DIVISION 8. - M-1 INDUSTRIAL PARK DISTRICTS

Sec. 32-522. - Statement of purpose.

- (a) The intent of the M-1 Industrial Park District is to provide locations for development within a planned industrial park subdivision on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with nearby residential or commercial uses.
- (b) Accordingly, permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this district should be fully contained within buildings on amply-landscaped sites, with adequate off-street parking and loading areas.

(Ord. of 7-16-1992, § 16.01)

Sec. 32-523. - Permitted uses and structures.

- (a) *Principal uses and structures.* In the M-1 zone, 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) Central dry cleaning plants and laundries, provided that such plants do not deal directly with the customer at retail.
 - (2) Data processing and computer centers, including electronic data processing and computer equipment service establishments.

- (3) Essential services, subject to the provisions in section 32-632.
 - (4) Greenhouses and plant nurseries.
 - (5) Laboratories involved in basic research, experiment, design, testing, or prototype product development.
 - (6) Manufacturing, compounding, processing, packaging, treatment, or fabrication of such products as: bakery goods, candy, ceramics, cosmetics, clothing, jewelry, instruments, neon or electric signs, optical goods, pharmaceuticals, toiletries, food products and beverages (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts), hardware, and cutlery.
 - (7) Manufacture and assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
 - (8) Manufacture, compounding, assembling, or treatment of articles or goods from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, yarns, sheet metal, wax, wire and wood.
 - (9) Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - (10) Manufacture or assembly of musical instruments, toys, novelties, sporting goods, photographic equipment, and metal or rubber stamps, or other small molded rubber products.
 - (11) Manufacture of light sheet metal products, including heating and ventilating equipment, cornices, eaves, and similar products.
 - (12) Metal polishing and buffing, but not including metal plating.
 - (13) Printing, lithography, blueprinting, and similar uses.
 - (14) Public utility or municipal service buildings, including electric or gas service buildings and yards, telephone exchange buildings, electric transformer stations, gas regulator stations, water treatment plants and reservoirs, and sewage treatment plants, provided that any open storage shall require special land use approval.
 - (15) Recycling collection stations and centers.
 - (16) Tool, die, gauge, and machine shops.
 - (17) Warehousing and wholesale activities.
 - (18) Other research or light manufacturing uses similar to the uses set forth in this subsection.
 - (19) Uses and structures accessory to the above, subject to the provisions in section 32-619. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in section 32-767.
- (b) *Special land uses.* The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in article II of this chapter.
- (1) Automobile repair garages, including minor and major repair, subject to the provisions in section 32-765(b) and provided that all operations are carried on within a completely enclosed building.
 - (2) Construction equipment and related equipment sales, leasing, and storage, subject to the following conditions:
 - a. Where feasible, equipment shall be stored inside. Open storage structures may be permitted by the planning commission, provided that such structures are enclosed on three sides and have a roof.
 - b. Storage yards shall be screened from any abutting public or private road in accordance with section 32-715(e).
 - (3) Contractor's storage yards, provided that such yards are completely enclosed within an eight-foot masonry wall or screening, in accordance with section 32-715(e).
 - (4) 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, and 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 chainlink fence or masonry wall, constructed in accordance with article VIII of this chapter.
 - d. A landscaped greenbelt with a minimum width of 20 feet shall be required adjacent to any street, in conformance with section 32-715(d).
- (5) Metal plating, buffing, and polishing operations.
- (6) Millwork, lumber, and planing mills when completely enclosed and located on the interior of the district so that no property line forms the exterior boundary of the M-1 district.
- (7) Mini-warehouses, subject to provisions in section 32-765(k).
- (8) Radio and television transmitting and receiving towers, subject to the provisions in section 32-765(p).
- (9) Accessory retail or service uses that are intended to serve the occupants and patrons of the principal use, provided that any such 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.
- (10) Medical marihuana facilities, subject to the following conditions:
- a. A minimum setback of 200 feet from all homes or residentially zoned districts, schools, churches, child care facilities, parks and drug-free zones.
 - b. A state-registered and local business license is required for all facilities and primary caregivers. If the primary caregiver is not the owner of the premises, then consent must be obtained in writing from the property owner to ensure the owner's knowledge of the use.
 - c. Consumption of marihuana on the premises is prohibited.
 - d. The location from which a primary caregiver manufactures, stores and distributes medical marihuana to a qualifying patient shall not be used by another primary caregiver for any purpose whatsoever.
 - e. No more than five patients per caregiver. Each patient shall be limited to 2.5 ounces of usable marihuana (excludes seeds, stalks and roots) and 12 marihuana plants kept in an enclosed, locked facility.
 - f. The facility shall be subject to quarterly inspections to confirm compliance in accordance with applicable laws, including, but not limited to, state law and township ordinances.
 - g. Hours of operation permitted shall be 9:00 a.m.—9:00 p.m., Monday through Friday; 9:00 a.m.—6:00 p.m. on Saturday; and 10:00 a.m.—6:00 p.m. on Sunday.
 - h. Minimum distance from other similar uses shall be 500 feet.
 - i. Drive-through facilities shall be prohibited.
 - j. Security. Security cameras shall be installed and maintained. All security cameras shall have at least 120 concurrent hours of digitally recorded documentation. In addition, an alarm system shall be operated and maintained by a recognized security company.
 - k. A conspicuous sign shall be posted stating that "No loitering is permitted" on such property.

I. Exterior lighting shall be required for security purposes, but in accordance with the provisions of this chapter.

(Ord. of 7-16-1992, § 16.02; Ord. of 8-2-2010, § 16.02)

Sec. 32-524. - Development standards.

- (a) *Required conditions.* Except as otherwise noted, buildings and uses in the industrial park district shall comply with the following requirements:
 - (1) All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in article X of this chapter.
 - (2) All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.
 - (3) There shall be no outside storage of any goods, inventory, or equipment except in designated areas which shall be enclosed on all sides with a screening fence or wall, subject to the requirements in section 32-715. Use of trailers for storage is prohibited.
 - (4) Where applicable, machinery shall comply with the performance standards in article X of this chapter.
 - (5) Parking or storage of damaged or disabled vehicles shall be prohibited. No vehicle parked on a site shall be used principally for storage, sales, or advertising.
- (b) *Site plan review.* Site plan review and approval is required for all uses in the light industrial district in accordance with article II of this chapter.
- (c) *Area, height, bulk, and placement requirements.* Buildings and uses in the light industrial district are subject to the area, height, bulk, and placement requirements in division 12 of this article, the 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 division 10 of this article.
- (e) *General development standards.* Buildings and uses in the light industrial district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VII	Landscaping
Article VIII	Walls
Article IX	Site development standards
Article X	Performance standards
Article XI	Signs

(Ord. of 7-16-1992, § 16.03)

Secs. 32-525—32-541. - Reserved.

DIVISION 9. - M-2 LIGHT INDUSTRIAL DISTRICTS

Sec. 32-542. - Statement of purpose.

- (a) The intent of the M-2 Light Industrial District is to provide locations for industrial development on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with nearby residential, commercial, and industrial uses. Because of the variety of industrial users allowed in the M-2 district, special attention must be focused on site layout, building design, traffic circulation, and the coordination of site improvements between adjacent sites, both within and outside of the district.
- (b) Permitted manufacturing, distribution, warehousing, and light industrial uses permitted in this district should be fully contained within well-designed buildings, with adequate off-street parking and loading areas.

(Ord. of 7-16-1992, § 17.01)

Sec. 32-543. - Permitted uses and structures.

- (a) *Principal uses and structures.* In all areas zoned M-2 Light Industrial 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) All principal uses and structures permitted in the M-1 district as specified in section 32-523(a).
 - (2) Uses and structures accessory to the above, subject to the provisions in section 32-619. Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in section 32-767.
- (b) *Special land uses.*
 - (1) The uses set forth subsection (b)(2) of this section may be permitted subject to:
 - a. The conditions specified for each use;
 - b. Review and approval of the site plan;
 - c. Any special conditions imposed during the course of review; and
 - d. The provisions set forth in article II of this chapter.
 - (2) All special land uses permitted in the M-1 district as stated in section 32-523(b).

(Ord. of 7-16-1992, § 17.02)

Sec. 32-544. - Development standards.

- (a) *Required conditions.* Except as otherwise noted, buildings and uses in the M-2 Light Industrial District shall comply with the following requirements:
 - (1) All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the performance standards set forth in article X of this chapter.
 - (2) All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.
 - (3) There shall be no outside storage of any goods, inventory, or equipment except in designated areas which shall be enclosed on all sides with a screening fence or wall, subject to the requirements in section 32-715. Use of trailers for storage is prohibited.

- (4) Where applicable, machinery shall comply with the performance standards in section 32-765(s).
- (5) Parking or storage of damaged or disabled vehicles shall be prohibited. No vehicle parked on a site shall be used principally for storage, sales, or advertising.
- (b) *Site plan review.* Site plan review and approval is required for all uses in the M-2 Light Industrial District in accordance with article II of this chapter.
- (c) *Area, height, bulk, and placement requirements.* Buildings and uses in the M-2 Light Industrial District are subject to the area, height, bulk, and placement requirements in division 12 of this article, the 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 division 10 of this article.
- (e) *General development standards.* Buildings and uses in the M-2 Light Industrial District shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VII	Landscaping
Article VIII	Walls
Article IX	Site development standards
Article X	Performance standards
Article XI	Signs

(Ord. of 7-16-1992, § 17.03)

Secs. 32-545—32-566. - Reserved.

DIVISION 10. - PD PLANNED DEVELOPMENT DISTRICT

Sec. 32-567. - Statement of purpose.

- (a) It is the intent of these regulations to permit planned development for the purposes of:
- (1) Encouraging innovation in land use planning and development.
 - (2) Achieving a higher quality of development than would otherwise be achieved.
 - (3) Encouraging assembly of lots and redevelopment of outdated commercial corridors.
 - (4) Encouraging infill development on sites that would be difficult to develop according to conventional standards because of the shape, size, abutting development, accessibility, or other features of the site.
 - (5) Providing enhanced housing, employment, and shopping opportunities.

- (6) Providing a development framework that promotes appropriate business activity that significantly improves the economy of the township.
 - (7) Ensuring compatibility of design and function between neighboring properties.
 - (8) Encouraging development that is consistent with the township's master plan.
- (b) These planned development regulations are not intended as a device for ignoring the more specific standards in this chapter, or the planning upon which the standards are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning standards generally applied to the proposed uses, but allowing for modifications to the general standards to assure a superior quality of development.

(Ord. of 7-16-1992, § 18.01)

Sec. 32-568. - Eligibility criteria.

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

- (1) *Recognizable and substantial benefit.*
 - a. The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
 - b. For the purpose of this chapter a recognizable and substantial benefit is defined as follows: 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 longterm 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.
- (2) *Minimum frontage and size.* The planned development shall have minimum frontage of 150 feet along a public street or road. The minimum area of a parcel that is developed as a planned development shall be 30,000 square feet.
- (3) *Availability and capacity of public services.* The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities.
- (4) *Compatibility with the master plan.* The proposed development shall not have an adverse impact on future development with the township as presented in the master plan of the township.
- (5) *Compatibility with the planned development intent.* The proposed development shall be consistent with the intent and spirit of these regulations.
- (6) *Economic impact.* The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this chapter.
- (7) *Unified control of property.* The proposed development shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the planned development regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given immediately to the township clerk.

(Ord. of 7-16-1992, § 18.02)

Sec. 32-569. - Project design standards.

Proposed planned developments shall comply with the following project design standards:

- (1) *Location.* A planned development may be approved in any location in the township, subject to review and approval as provided herein.
- (2) *Permitted uses.* Any land use authorized in this chapter may be included in a planned development as a principal or

- accessory use, provided that public health, safety, and welfare are not impaired.
- (3) *Applicable base.* Unless waived or modified (in accordance with subsection (4) of this section), the yard and bulk, parking, loading, landscaping, lighting, and other standards for the following districts shall generally be applicable for uses proposed as a part of a planned development:
- a. Single-family residential uses shall comply with the regulations applicable in the R-1-A One-Family Dwelling District.
 - b. Multiple-family residential uses shall comply with the regulations applicable in the R-M Multiple-Family Residential District.
 - c. Retail commercial uses shall comply with the regulations applicable in the C-1 Neighborhood Business District.
 - d. Office uses shall comply with the regulations applicable in the O-1 Office District.
 - e. Industrial uses shall comply with the regulations in the M-1 Industrial Park District.
 - f. Mixed uses shall comply with the regulations applicable for each individual use, as outlined in this subsection. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
- (4) *Regulatory flexibility.* To encourage flexibility and creativity consistent with the planned development concept, departures from the regulations in subsection (3) of this section, may be permitted, subject to review and approval by the planning commission and the township board. For example, such departures may include modifications to, lot dimensional standards; floor area standards; setback requirements; density standards; height, parking, loading, and landscaping requirements; and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development than would be possible without the modifications.
- (5) *Residential density.* Modifications to the density of residential development may be permitted upon determination that the desired density will not adversely affect water and sewer services, stormwater drainage, road capacity, traffic, parks and recreation, fire and police services, schools, character of the area, and any planned public and private improvements in the area.
- (6) *Permitted mix of uses.* Where the existing underlying zoning district is residential, nonresidential uses shall be permitted as part of a planned development which also contains a residential component, provided that the applicant demonstrates that the residential uses will be predominant. The planning commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: amount of traffic generated; hours of operation or use; noise, odors, and overall impact on adjoining uses; land area allocated to each use, and, building area allocated to each use.
- (7) *Open space requirements.* planned developments containing a residential component shall provide and maintain usable open space at the ratio of 350 square feet of open space per dwelling unit, provided that each development shall contain a minimum of 10,000 square feet of open space. Any pervious land area within the boundaries of the site may be included as required open space, except for land contained in public or private street rights-of-way. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:
- a. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
 - b. Provide maintenance standards and a maintenance schedule.
 - c. Provide for assessment of the private property owners by the township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
- (8) *Frontage and access.* planned developments shall provide access onto at least one of the following streets:
- a. Eight Mile Road.
 - b. Wyoming Road.

- c. Meyers Road.
- d. Lincoln Road.
- e. Greenfield Road.

Planned developments may be approved at other locations if the development involves the reuse or redevelopment of an existing structure. The nearest edge of any entrance or exit drive shall be located no closer than 75 feet from any street or road intersection (measured from the nearest intersection right-of-way line).

- (9) *Utilities.* All utilities within the planned development site, including electric, telephone, and cable television lines, shall be placed underground.
- (10) *Privacy for dwelling units.* The design of a planned development shall provide visual and sound privacy for all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.
- (11) *Emergency access.* The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access.
- (12) *Pedestrian and vehicular circulation.* A pedestrian circulation system shall be provided that is insulated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks, and bicycle pathways in the vicinity of the site.

(Ord. of 7-16-1992, § 18.03)

Sec. 32-570. - Procedures and requirements.

The approval of the planned development proposal shall require an amendment to this chapter to revise the zoning map and designate the subject property as a planned development. Approval of the planned development proposal, including all aspects of the final site plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment. Planned development applications shall be submitted in accordance with the procedures and requirements for a two-step approval process as follows:

- (1) The applicant shall first submit a planned development plan which shall be reviewed in accordance with zoning amendment procedures. The planning commission shall review the planned development plan, hold a public hearing pursuant to the provisions contained in section 32-49(4), public notice; public hearings, and make a recommendation to the township board. The township board shall have the final authority to act on a planned development plan and grant the requested planned development zoning.
- (2) Following approval of the planned development plan and rezoning to planned development (PD), the applicant shall submit a review by the planning commission in accordance with normal site plan review procedures.

(Ord. of 7-16-1992, § 18.04; Ord. of 3-11-2010, § 18.04)

Sec. 32-571. - Standards and requirements with respect to review and approval.

In considering any application for approval of a planned development proposal, the planning commission and township board shall make their determinations on the basis of standards set forth for site plan review in section 32-569, as well as the following standards and requirements:

- (1) *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 the specific project design standards set forth herein.
- (2) *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 physical relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to the following:

- a. The bulk, placement, and materials of construction of proposed structures.
 - b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - d. The hours of operation of the proposed uses.
 - e. The provision of landscaping and other site amenities.
- (3) *Public services.* Any 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 project 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.
 - (4) *Impact of traffic.* The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
 - (5) *Accommodations for pedestrian traffic.* The planned development shall be designed with a sidewalk network to accommodate safe pedestrian circulation throughout and along the perimeter of the site, without interference from vehicular traffic.
 - (6) *Compatibility with the master plan.* The proposed planned development shall be consistent with the general principles and objectives of the adopted master plan of the township.
 - (7) *Compliance with applicable regulations.* The proposed planned development shall be in compliance with all applicable federal, state, and local laws and ordinances.

(Ord. of 7-16-1992, § 18.05)

Sec. 32-572. - Phasing and commencement of construction.

- (a) *Integrity of each phase.* 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 ensure protection of natural resources and the health, safety and welfare of the users of the planned development and residents of the community.
- (b) *Rate of completion of residential and nonresidential components.*
 - (1) *Purpose.* The purpose of the following provisions 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.
 - (2) *General standards.* In developments which include residential and nonresidential components, the phasing plan shall provide for completion of at least 35 percent of all proposed residential units concurrent with the first phase of any nonresidential construction; completion of at least 75 percent of all proposed residential construction concurrent with the second phase of nonresidential construction; and completion of 100 percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined by the building official based on the floor area and land area allocated to each use.
 - (3) *Modifications to general standards.* Such percentages may be modified should the building official determine that the applicant has presented adequate assurance that the residential component or components of the project will be completed within the specified time period.
 - (4) *Completion of each phase.* Construction of any facility may commence at any time following site plan approval pursuant to this article, provided that construction shall be commenced for each phase of the project within 12

months of the schedule set forth on the approved plan for the planned development. The applicant may submit a revised phasing plan for review and approval by the planning commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unable to achieve. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or delayed, provided that the revised phasing does not materially change the integrity of the approved planned development proposal.

- (c) *Failure to complete construction within required time.* In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.

(Ord. of 7-16-1992, § 18.06)

Sec. 32-573. - Development standards.

Unless specifically modified by the planning commission and the township board, the following standards shall apply within a planned development district:

- (1) *Area, height, bulk, and placement requirements.* Buildings and uses in the planned development district are subject to the area, bulk, and placement requirements specified in section 32-569.
- (2) *General development standards.* Buildings and uses in the planned development district are subject all applicable requirements set forth in this chapter, except as modified by this article.

(Ord. of 7-16-1992, § 18.07)

Secs. 32-574—32-580. - Reserved.

DIVISION 11. - PP PUBLIC PROPERTY DISTRICT

Sec. 32-581. - Statement of purpose.

The intent of the PP Public Property District is to accommodate public areas available to the residents and businesses of the township. This district provides areas for off-street parking as an incidental use to an abutting commercial, office, or industrial use and preserves areas of dedicated open space.

(Ord. of 7-16-1992, § 19.01)

Sec. 32-582. - Permitted uses and structures.

- (a) *Principal uses and structures.* In all areas zoned PP Public Property District, the land or premises shall be used only for the following:
- (1) Open space and greenbelt areas dedicated to the public.
 - (2) Off-street parking facilities serving office, commercial, or industrial uses developed and maintained in accordance with the regulations set forth herein.
 - (3) Pedestrian malls, parks, playgrounds, and playfields owned by the township.
- (b) *Special land uses.* The following uses may be permitted subject to: the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and, the provisions set forth in article II of this chapter.
- (1) Buildings and uses of the township.
 - (2) Buildings and uses of a public school district of the state.

(Ord. of 7-16-1992, § 19.02)

Sec. 32-583. - Development standards.

- (a) *Required conditions.* Except as otherwise noted, buildings and uses in the public property district shall comply with the following requirements:
- (1) Permitted off-street parking shall be constructed and maintained in accordance with the provisions in article VI of this chapter.
 - (2) Off-street parking in the PP 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 24 consecutive hours.
 - (5) Permitted off-street parking areas shall not be used for off-street loading, outside storage or display, or vehicular repair. Parking or storage of damaged or disabled vehicles shall be prohibited. No vehicle parked on a site shall be used principally for storage, sales, or advertising.
 - (6) No signs shall be permitted except for signs designating entrances, exits, other traffic directional signs and signs related to restrictions or conditions of use of the off-street parking area.
 - (7) Buildings are generally prohibited within the PP district. Following site plan review, the planning commission may allow the construction of a building consistent with the intent of this division.
 - (8) Notwithstanding the landscaping requirements in article VII of this chapter, off-street parking in the PP district need not be screened from any business it is intended to serve.
 - (9) A masonry screen wall shall be constructed along any side or rear yard of a parcel used for parking within the PP district which abuts a residentially-zoned district, in accordance with article VIII of this chapter. In addition, a ten-foot setback shall be provided between the side or rear property line and the edge of the parking lot.
 - (10) Where a PP 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 32-715(c).
- (b) *Site plan review.* Site plan review and approval is required for all uses in the public property district in accordance with article II of this chapter.
- (c) *General development standards.* Buildings and uses in the PP district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Location	Topic
Article III, division 12	Schedule of regulations
Article IV	Supplemental regulations
Article VI	Off-street parking and loading
Article VII	Landscaping
Article VIII	Walls

Article X	Performance standards
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(Ord. of 7-16-1992, § 19.03)

Secs. 32-584—32-597. - Reserved.

DIVISION 12. - SCHEDULE OF REGULATIONS

Sec. 32-598. - Intent and scope of requirements.

The purpose of this article is to establish regulations governing minimum lot area, 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, renovated or rebuilt, nor shall any open space surrounding any building be reduced or encroached upon 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 for a building or use shall not be simultaneously used to comply with the regulations for any other building or use.

(Ord. of 7-16-1992, § 20.01)

Sec. 32-599. - Compliance with 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:

Schedule of Regulations											
	Lot Minimum		Maximum Height of Structures ^(c)			Minimum Setback Requirements (in feet)					
							Side Yards				
District	Area (^(a) sq. ft.)	Width (in feet)	In Stories	In Feet	Front Elevation	Front Yard	Least One	Total of Two	Rear Yard	Minimum Usable Floor Area Per Unit (sq. ft.)	Maximum Coverage of Lot By All Buildings
R-1A	6,000	50 ^(b)	2½	35	30	25 ^{(d), (e)}	5 ^{(d), (e)}	15 ^{(d), (e)}	30 ^(d)	(f)	30%
R-1B	4,000	40 ^(b)	2½	35	30	30 ^{(d), (e)}	3 ^{(d), (e)}	12 ^{(d), (e)}	30 ^(d)	(f)	30%
R-M	^(g)	100	2½	35	35	30 ^{(d), (h), (l)}	20 ^{(d), (h), (l)}	40 ^{(d), (h), (l)}	35 ^{(d), (h), (l)}	(f), (j)	30%
O-1	(k)	(k)	2½	35	—	0 ^(o)	(l), (m)	(l), (m)	(l), (n)	800	—

C-1	(k)	(k)	2½	35	—	0	(l), (m)	(l), (m)	(l), (n)	—	—
C-2	(k)	(k)	2½	35	—	0	(l), (m)	(l), (m)	(l), (n)	—	—
C-3	(k)	(k)	2½	35	—	0	(l), (m)	(l), (m)	(l), (n)	—	—
M-1	—	100	2	40	—	0	25 ^(p)	50 ^(p)	50 ^(p)	—	—
M-2	—	100	2	30	—	0 ^(s)	5 ^{(p), (s), (i)}	10 ^{(p), (s), (i)}	30 ^{(p), (s), (i)}	—	—
PD	30,000	150	(q)	(q)	(q)	(q)	(q)	(q)	(q)	—	—
PP	—	—	(r)	(r)	(r)						

Footnotes:

(a) *Lot area.* The net lot area, defined as "lot area, net" in section 32-4, shall be used to determine compliance with lot area requirements.

(b) *Lot proportions.* The depth of a lot created after the adoption of this ordinance in the R-1A or R-1B district shall be no greater than four times the lot width.

(c) *Exceptions to height standards.* The height standards shall not apply to those structures specified in section 32-632.

(d) *Minimum setbacks for nonresidential uses.* Permitted nonresidential uses in a residential district shall comply with setback requirements required for specific uses in article IX of this chapter. For uses without setback requirements specified article IX of this chapter, a permitted nonresidential use shall comply with all minimum setback requirements required in the schedule of regulations, except that no side yard shall be less than 12 feet.

(e) *Setback on side yards facing a street.* On a corner lot, a front yard setback shall be maintained along each street frontage. A front lot shall not be required to be maintained beyond an extent which reduces the building envelope on a lot of record to a width less than 25 feet. Where the rear yard of a corner lot abuts a side yard of an adjoining lot, accessory buildings located on the corner lot shall maintain a setback from the rear lot line equal to or exceeding the greater of the side yard setbacks required for the district.

(f) *Floor area requirements.* Single-family detached dwellings shall comply with the following minimum floor area requirements:

Single-story dwelling	1,000 square feet
First floor of two-story or tri-level	800 square feet

(g) *Lot requirements.* Single-family dwellings shall comply with the lot standards for the R-1A district. Two-family dwellings and multiple-family dwellings shall require a lot area equal to or exceeding the total area determined by multiplying the proposed number of dwelling units by the applicable minimum are per unit for each type of unit according to the following:

Type of Unit	Minimum Lot Area Required Per Unit (sq. ft.)
1 bedroom	2,000

2 bedrooms	2,900
3 bedrooms or more	3,400

(h) *R-M district setbacks.* Setbacks in the R-M district single-family dwellings in the R-M district shall comply with all setback standards for the R-1A district. The minimum distance between two-family or multiple-family structures erected on the same zoning lot shall be as follows:

Orientation of Buildings	One-Story Buildings (in feet)	1½ or Two-Story (in feet)
Front to front	30	60
Front to rear	30	60
Rear to rear	30	60
Side to side	20	20
Side to front	30	30
Side to rear	30	30

(i) *Parking setback adjacent to residential district.* Off-street parking shall be set back a minimum of 20 feet from any residential district boundary.

(j) *Minimum floor space in the R-M district.* The minimum floor space requirements in the R-M district are as follows:

Number of Bedrooms	Required Floor Area (sq. ft.)
0	500
1	500
2	700
3	900
Each additional	100

(k) *Lot area and width in commercial and office districts.* Lot area and width dimensions in the commercial and office districts shall be sufficient to provide compliance with all setback and lot coverage standards.

(l) *Side or rear yard setback along interior lot lines in commercial and office districts.* The minimum side or rear yard setback may be reduced to zero where all abutting or facing walls are composed of fireproof materials and contain no windows, doors, or other openings. Where any walls are not of fireproof construction or where any walls contain openings a side or rear yard setback shall be provided as follows:

Building Height	Minimum Side or Rear Yard Setback (in feet)
One story	10
Two stories	15
More than two stories	20

(m) *Side yard setback on corner lots in commercial and office districts.* No side yard setback is required in these districts except where the side street abuts an interior residential lot, in which case the side yard setback shall be equal to or exceed the minimum front yard setback for the district in which the building is located.

(n) *Rear yard setback on through-lots in commercial and office districts.* The minimum rear yard setback on lots which extend through from street to street shall be equal to the minimum front yard setback for the district in which the building is located.

(o) *Front yard setback in the office district.* Where the O-1 district is contiguous to a residentially-zoned district and has frontage on a common block, the minimum front yard setback shall be 25 feet.

(p) *Minimum setback adjacent to a residential use.* No building in an industrial district shall be located closer than 30 feet from any residential district boundary.

(q) *Planned development regulations.* See article III, division 10 of this chapter for standards in the PD, planned development district.

(r) *Buildings in the PP district.* Structures are limited to buildings of the township or a state public school district and are subject to special use review.

(s) *PP district regulations.* Off-street parking in the PP district shall comply with the requirements in article III, division 11 of this chapter.

(Ord. of 7-16-1992, § 20.02)

Secs. 32-600—32-616. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

Sec. 32-617. - 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 chapter. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance from which this chapter is derived 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 V of this chapter concerning nonconformities. Any subsequent text or map amendments to this chapter shall not affect previously issued valid permits.

(b) *Minimum requirements.* The provisions of this chapter 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 chapter is not intended to abrogate or annual 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 chapter. Where the regulations or standards of this chapter are more restrictive or impose higher standards or requirements than other ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this chapter shall govern.
- (d) *Vested right.* Nothing in this chapter should be interpreted or construed to give rise to any permanently 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 chapter 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.* The owner of a building or the property on which it is located shall maintain all required setbacks, open space, and other minimum yard and bulk requirements for as long as the building is in existence. No portion of land area used in complying with the provisions of this chapter 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.* 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 that did not lawfully exist at the time of adoption of this chapter shall not be made lawful solely by adoption of the ordinance from which this chapter is derived. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this chapter, 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 available to the township, and shall not be used or occupied until it has been made to conform to the provisions of this chapter. All public expenditures incurred in abating any such nuisance shall become a lien upon the land.
- (h) *Voting place.* The provisions of this chapter shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

(Ord. of 7-16-1992, § 2.01)

Sec. 32-618. - Allowable uses.

Only the following uses of land, buildings, or structures shall be allowed in the township:

- (1) Uses lawfully established on the effective date of the ordinance from which this chapter is derived.
- (2) Uses for which a building permit had been issued in accordance with this chapter and the state construction code.
- (3) Permitted uses in the applicable zoning districts, subject to the requirements specified.
- (4) Conditional and special uses in the applicable zoning districts, subject conditions and requirements specified.
- (5) Temporary uses subject to the requirements specified in section 32-623.

(Ord. of 7-16-1992, § 2.02)

Sec. 32-619. - Accessory buildings and structures.

- (a) *General requirements.*

- (1) *Timing of construction.* No accessory building, structure, or use shall be constructed or established on a land parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land.

- (2) *Site plan approval.* If submission of a site plan for review and approval is required for the principal building, structure, or use on a site, then site plan approval shall be required for the establishment of an and all buildings, structures, or uses accessory to the principal use. The site plan shall indicate the location of all proposed accessory buildings, structures, or uses.
 - (3) *Nuisances.* Accessory uses such as animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that may produce noise, odors, or other nuisances shall not be located immediately adjacent to an abutting property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.
 - (4) *Conformance with lot coverage standards.* Accessory buildings and structures that physically cover a portion of the lot shall be included in computations to determine compliance with maximum lot coverage standards.
 - (5) *Location in proximity to easements or rights-of-way.* Accessory buildings, structures, or uses shall not be located within a dedicated easement or street right-of-way, except as permitted in the regulations for essential services.
 - (6) *Use of accessory structures.* Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units (except for permitted accessory structures) or for any business, profession, trade or occupation. A maximum of one private garage shall be permitted per residential zoning lot. Only vehicles owned by the current occupants of the principal structure to which it is accessory shall be stored within residential zoning districts.
 - (7) *Appearance.* Accessory buildings and structures shall be designed and constructed in a manner compatible to the design and construction of the principal building on the site. All accessory buildings and structures shall be maintained in a manner consistent with the principal structure.
 - (8) *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.
- (b) *Attached accessory buildings.*
- (1) Unless otherwise specified in this article, accessory buildings or structures that 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. The floor area of any garage attached to a principal residence shall not exceed 40 percent of the floor area of the residence to a maximum of 900 square feet.
 - (2) Attached accessory buildings shall not be located in any front yard or any required side yard, and shall either be flush with or recessed from any building line of the principal structure.
 - (3) Attached garages may be either front-loading, side-loading, or rear-loading. Attached front-loading garages shall be recessed a minimum of five feet from the front building line. Attached side-loading garages shall either be flush with or recessed from any front or side building line. Attached rear-loading garages may be either flush with, recessed from, or extended from any rear building line, provided they do not extend beyond rear setback line for that zoning district.
- (c) *Detached accessory buildings.*
- (1) *Location and setbacks.* Detached accessory buildings shall comply with the following location and setback requirements:
 - a. *Front yard setback.* Detached accessory buildings, including garages, shall not be located in any front yard; except that the following accessory uses may be permitted in the front or side yards in commercial or industrial districts, subject to the specific approval of the planning commission: buildings for parking attendants; guard shelters; gate houses; telephone pedestals; and electric transformer pads.
 - b. *Side yard setback.* Detached accessory buildings, including garages, shall comply with the side yard setback for the

district in which they are located, but shall not be located within any side yard between the front and rear building lines.

- c. *Rear yard setback.* Detached accessory buildings, including garages, shall be located within a rear yard. Such detached accessory buildings may be erected in a required rear yard, but shall not be located within one foot of a rear lot line, nor encroach upon any recorded easement.
- d. *Distance from other buildings.* Detached accessory buildings, including garages, shall be located at least ten feet from the principal building on the site or any principal building on an adjacent lot. The zoning board of appeals may grant a variance from this requirement to allow an accessory building to be located within four feet of the principal building, upon finding that there will be no threat to public health and safety, and that fire safety standards related to the fire ratings of walls, emergency access, and similar standards are met.
- e. *Setback on corner lots.* On a corner lot where at least one residential structure on the same block fronts upon a street, accessory buildings shall comply with the front setback requirements for the applicable zoning district on any side that faces said street.

(2) *Size, lot coverage and number.* Detached accessory buildings may occupy up to 40 percent of any required or nonrequired rear yard, provided that the total of all accessory buildings that relate to a principal structure shall not exceed a coverage of 625 square feet. In single-family zoned districts, no more than one accessory building, use or garage may be erected, except that a second accessory building not to exceed 80 square feet of ground floor area may be erected provided it meets all other requirements of this section for height, setbacks and is properly anchored.

(3) *Height.*

- a. Detached accessory buildings in residential districts shall not exceed one story and 14 feet in height (as defined in this chapter).
- b. Detached accessory buildings in nonresidential districts shall not exceed the maximum height standards for the district in which they are located or the height of the principal structure, whichever is less.

(d) *Accessory structures.*

- (1) *General requirements.* Accessory structures (for example, swimming pools, tennis courts, antennas) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for detached accessory buildings, unless otherwise permitted in this chapter.
- (2) *Solar panels.* Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard, subject to the setback requirements for detached accessory buildings.
- (3) *Air conditioning and HVAC units.* Exterior air conditioning and HVAC units shall be placed in a rear yard, and shall not be visible from any street right-of-way or an adjacent residential structure.

(Ord. of 7-16-1992, § 2.03)

Sec. 32-620. - Lawful use of a structure as a dwelling unit.

- (a) *Incompletely constructed structures.* Any incompletely constructed structure that fails to meet any requirements of the state construction code or this chapter shall not be issued a certificate of occupancy and shall not be used as a dwelling. For the purposes of this section, a basement that does not have a residential structure constructed above it shall be considered as an incompletely constructed structure.
- (b) *Caretaker residence.* No dwelling shall be erected in a commercial or industrial district, except for the living quarters of a watchman or caretaker and his immediate family. Any such living quarters shall consist of a structure that is permanently affixed to the ground, constructed in accordance with the state construction code, and provided with plumbing, heating, bathroom, and kitchen facilities. Each caretaker residence shall be subject to site plan review by the planning commission and shall be considered accessory to the principal use. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and his immediate family.

(Ord. of 7-16-1992, § 2.04)

Sec. 32-621. - Residential design standards.

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

Grossly dissimilar means an immediately obvious difference apparent to professionals in the building trade, neighbors and potential residents.

Neighboring structure means any existing structure, or any proposed structure for which architectural control committee approval has been granted, which is situated on any one of the following lots, relative to the proposed construction:

- (1) Any lot within three lots, on the same side of the street on either side of the proposed construction, without regard to intersecting street lines;
- (2) Any lot within three lots of the property directly across the street from the proposed construction on the opposite side of the street, without regard to intersecting street lines; or
- (3) Any lot within two lots of the proposed construction, provided such lot is abutting a street intersecting the street upon which the proposed construction will be located and that the front elevations of the subject structures will be approximately 90 degrees to each other.

Significantly alter or remodel means any renovation, alteration, extension or expansion of the exterior building walls, roof, attachment or any other part of a residential structure, the estimated costs of which exceed 50 percent of the taxable value of the residential structure, as determined by the township assessor.

Substantially different means that a structure, when compared to another neighboring structure, differs from that structure as measured by three or more of the following five criteria:

- (1) *Roof style.* Roof style is determined by location and orientation of the principal ridge line and adjacent sloping sections. Different roof styles include but are not limited to gable, reverse gable, Cape Cod, gambrel, hip, mansard, flat, etc.
 - (2) *Roof pitch.* Roof pitch is determined by measuring the ratio of vertical to horizontal units in the sloping segments of the principal section of the roof of a structure. Different roof pitches are three or more vertical units in 12 from each other including, for example, 6:12 and 9:12 or 8:12 and 11:12, etc.
 - (3) *Exterior material.* Exterior material describes the material present on more than one-half of the exterior surface area of a structure. Different exterior materials include but are not limited to horizontal siding, vertical siding, shingles/shakes, brick, stone, and stucco, etc.
 - (4) *Location of major design features relative to main mass.* Major design features include but are not limited to attached garages, porches, porticos, breeze ways, gables, dormers, and/or other similar major features. Different locations of major design features relative to the main mass of a structure include but are not limited to in front of, beside, on top of, and/or in some other location relative to the main mass of the structure.
 - (5) *Location of windows and doors relative to main mass.* Windows and doors on a structure can take on various configurations. Different locations of windows and doors relative to the main mass of a structure include but are not limited to center door, off-center door, and no door, with windows on either or both sides of and/or above the door.
- (b) *Purpose and intent.* In order to preserve the substantial investment of property owners in single-family neighborhoods, these standards establish minimum requirements for the architectural design of single-family residential structures.
- (1) Standards are intended to encourage greater design variety and less repetition of design elements between neighboring structures, without being grossly dissimilar to the exterior design and appearance of such structures.

Limiting the repetition of design elements is intended to encourage greater variety and interest in the design of individual buildings, as well as less repetition from structure-to-structure to avoid design monotony within neighborhoods.

- (2) Standards are established for materials used to finish exterior walls. These standards are intended to reduce the use of materials that are less permanent and/or that are not consistent with a residential appearance. Less permanent materials are discouraged because they tend to degrade more quickly and require greater maintenance over time. The use of more durable materials, such as brick and stone, are encouraged. Materials that tend to be easily damaged or that will quickly degrade, such as metal and plastic sidings, and materials that convey a nonresidential image, such as unfinished concrete, are discouraged.
- (3) The standards are intended to encourage substantially different neighboring structures while preventing grossly dissimilar structures, so as not to adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the township's master plan.

(c) *Application of standards.*

- (1) *Residential structures.* Any residential structure, including manufactured dwellings not located in licensed mobile home parks, shall be erected or constructed only in compliance with the residential design standards contained in this section.
- (2) *Planned developments.* In the case of a planned development (PD) approved under article II, division 5 of this chapter, the standards of this section shall also be included as conditions of PD approval and applied during the review and approval of building plans and elevations submitted during the PD approval process.
- (3) *Architectural control committee.* An architectural control committee is hereby established, which shall consist of the chairperson of the planning commission, or the chairperson's designee, a liaison from the township board, the building official, and the township planner. The authority and responsibility of the architectural control committee to apply architectural standards to all residential development as required herein shall be entirely vested with the owner/developer of the project until the completion of all residential buildings on all lots or sites within the project.
- (4) *Architectural control committee approval.* No approval shall be granted by the architectural control committee of an application to erect, construct, and/or significantly alter or remodel any building or structure within the township, unless the proposed structure is determined by the architectural control committee to be substantially different but not grossly dissimilar, as herein defined, from any neighboring structure, and unless materials proposed for exterior walls comply with minimum and maximum standards set forth in this section.

(d) *General requirements.* The following requirements and standards shall apply to all new and significantly altered or remodeled residential structures, including manufactured dwellings not located in a licensed mobile home park.

- (1) *Compatibility with other residences.* New residential structures shall be aesthetically compatible with all neighboring structures, as defined herein. To assess compatibility, the architectural control committee shall evaluate the design and position of windows, exterior wall colors and color combinations, and other features of the new structure in relation to existing nearby structures.
- (2) *Area and bulk regulations.* A residential structure shall comply with the height, setback, and minimum floor area requirements specified for the zoning district in which the structure is located and as follows:
 - a. Manufactured dwellings not located in a licensed mobile home park 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.
 - b. New residential structures shall be constructed on lots which comply with the requirements of section 32-599, schedule of regulations, for the zoning district within which they are constructed. However, in no case shall lots be

combined and/or subdivided to achieve a lot width of greater than 60 feet for construction of a new residential structure.

c. New residential structures shall be constructed with a maximum width to depth ratio of 2:1.

(3) *Foundation.* Any residential structure shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the state construction code. A manufactured dwelling shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before placing a manufactured dwelling on a permanent foundation. The foundation shall fully enclose the undercarriage and chassis.

(4) *Exterior building walls and materials.* The exterior siding of any residential structure 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 of neighboring structures as defined herein. In addition to the requirement that a structure be found to be substantially different but not grossly dissimilar, as defined herein, the following schedule regulating exterior building walls shall apply to all structures granted approval by the architectural control committee.

		Maximum Permitted Percentage of Material ^(a)			
Materials		100	75	50	25
Masonry and stone ^{(c), (d)}					
	Face (clay) brick	•			
	Glazed brick	•			
	Ceramic tile			•	
	Split ribbed block (fluted block) ^(e)				•
	Granite, marble, or limestone		•		
	Mortared stones	•			
Concrete					
	Precast (patterned)				•
	Formed in place				•
Metals					

	Flat sheets ^(b)			•	
	Standing seamed				•
	Ribbed panels				•
Vinyl					
	Vinyl siding				•
Glass					
	Tinted			•	
	Reflective				•
	Glass block			•	
Wood					
	Wood siding (including beveled, lap, tongue and groove batten, etc., but excluding T-111 siding) ^(e)		•		
Other finishes					
	Cementitious (textured or patterned)			•	
	Stucco			•	
	Cement plaster			•	
	Exterior finish insulation systems (EIFS)				•

Notes.

(a) All exposed exterior surfaces of a building, inclusive of window and door surfaces, shall be included in the calculation to determine the total exposed building wall area. That total area shall represent 100 percent of the exterior building wall area. Wall area includes the entire vertical surface of all exterior walls, including the flat area of a gable end, but not the fascia or any part of the roof.

(b) Includes all common types of aluminum siding and all other aluminum, porcelain, stainless steel, steel or other metal siding.

(c) At least 50 percent of the total wall area of residential structures shall be finished with brick or stone. The 50 percent minimum requirement for brick or stone includes the area of all exterior walls and may be met by any combination of brick or stone on each wall, provided that the total area of all walls is at least 50 percent brick or stone.

(d) Scored block shall not be construed to be included in the category of shadow pattern or split face block. Scored block may be used for architectural accents only and shall not exceed ten percent of the exposed exterior wall area.

(e) T-111 wooden siding shall be prohibited.

- (5) *Roof pitch.* The pitch of the roof for residential structures 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 (i.e., French provincial, Italianate, etc.). Flat roofs shall be prohibited for any single-family residential structure and also for permitted accessory building in residential zoning districts. Roofs shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.
- (6) *Roof overhang.* Residential structures 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. Concrete spill blocks shall be required for all runoff systems not connected to a public storm system.
- (7) *Exterior doors.* Residential structures shall have a minimum of two functional exterior doors for ingress and egress that shall not be located on the same side of the residential structure. At least one door shall be located along the front building line and shall be visible from the street fronting the residential structure.
- (8) *Garage orientation.* In addition to the requirement that a structure be found to be substantially different as defined herein, all new residential construction shall have either detached or attached garages. Detached and attached garages shall also comply with the requirements of section 32-619, accessory buildings and structures.
- (9) *Attachments and projections.* Any exterior attachments, building accessories, or extensions onto a residential structure such as entry steps and storage buildings, shall be subject to permit requirements and shall comply fully with the state construction code, this section, and other regulations of the township. Architectural features, such as eaves, overhangs, awnings, chimneys and window bays, may extend or project into a required side yard not more than two feet for each required side yard, and may not extend or project into a required front yard or rear yard more than three feet. Building accessories, such as but not limited to open porches, terraces, decks, and light control fixtures, may project into a front or rear yard up to a distance of ten feet, but shall in no case project nearer than 12 feet to any front or rear lot line. When located in a front yard or rear yard the height shall not exceed three feet above finished grade.
- (10) *Storage area.* Residential structures shall contain a storage area equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less. This storage area shall consist of a basement, attic or attached garage, or in a separate detached accessory structure which complies with the standards of this section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
- (11) *Utility connections.* All residential structures shall be connected to public sewer and water systems.
- (12) *Dimensions for manufactured dwellings.* The dimensions and placement of manufactured dwellings located outside of a licensed mobile home park shall be comparable to typical dimensions and placement of all nearby structures, as defined herein. A 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 16 feet. If there are any extensions or additions to the front of a manufactured dwelling, the minimum width of any such secondary front elevation shall be 16 feet. Such dimensions shall be measured from the outermost extremities and shall include

additions to the main body of the 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 manufactured dwelling.

- (13) *Other regulations.* Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances. Manufactured dwellings shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development (HUD), mobile home construction and safety standards (24 CFR 3280), as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
- (14) *Use.* Residential structures shall be used only for the permitted uses in the zoning district in which they are located.
- (15) *Exceptions.* The standards of this section shall not apply to a manufactured dwelling located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this chapter and pertaining to such parks. Manufactured dwellings which do not conform to the standards of this section shall not be used for dwelling purposes within the township unless located within a licensed mobile home park or a manufactured housing subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this chapter.

(Ord. of 7-16-1992, § 2.05)

Sec. 32-622. - 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 standards set forth in this section, unless otherwise specified elsewhere in this chapter. 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 are strictly prohibited as home occupations (unless otherwise permitted subject to special approval):

- (1) Animal hospitals or commercial kennels.
- (2) Antique shops.
- (3) Barbershops and beauty parlors.
- (4) Concrete, excavation, or similar contractors.
- (5) Fortunetellers (including palm or tarot card readers).
- (6) Landscape installation and maintenance businesses, including lawn mowing businesses.
- (7) Medical clinics and hospitals.
- (8) Millinery shops.
- (9) Private clubs.
- (10) Repair shops and service establishments.
- (11) Restaurants.
- (12) Snow plowing and/or removal businesses.
- (13) Vehicle or trailer rental.
- (14) Vehicle and engine repair businesses.

The list set forth in this subsection is a partial listing and does not include all uses that are prohibited as a home occupation. For a home occupation to be considered an allowable use, it must comply with all requirements of this subsection.

- (b) The general practice offices of the following professionals are generally prohibited. Home offices may be permitted, provided that the residence is used only for consultation, emergency treatment, business matters, or procedures that can

be completed solely by the professional:

- (1) Accountant.
 - (2) Doctor.
 - (3) Insurance agent.
 - (4) Lawyer.
 - (5) Real estate agent.
 - (6) Tax preparers.
 - (7) Veterinarian.
- (c) A permit shall be required from the building official prior to establishing any home occupation.
- (d) Home occupations must be clearly incidental to the use of the dwelling as a residence.
- (e) The outdoor display or outdoor storage of materials, goods, supplies, or equipment used in the home occupation shall be strictly prohibited on the premises.
- (f) The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner that 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.
- (g) Only the current residents of a dwelling unit may be engaged in the home occupation on the premises.
- (h) 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 24-hour period. 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.
- (i) No home occupation shall require internal or external alterations to the structure or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
- (j) Signs advertising products or services are prohibited. One nonilluminated 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.
- (k) 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.
- (l) No home occupation shall involve the sale of regulated substances or products unless accomplished in full compliance with all applicable federal, state, and local law and/or regulations.
- (m) Any activity that is considered illegal or illicit is prohibited as a home occupation.
- (n) No home occupation shall be conducted in such a manner as to become a public nuisance.

(Ord. of 7-16-1992, § 2.06)

Sec. 32-623. - Temporary structures and uses.

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 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 public safety and building officials, and subject to the following conditions:
 - 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 three months, provided that work is proceeding in an expeditious manner.

- b. The total duration of a temporary permit for residential use shall not exceed 12 months.
 - c. Temporary structures shall comply with the setback standards for the district in which they are located.
 - d. The temporary structure shall be connected to public sewer and water. The building official shall approve all utility connections to any temporary structure.
 - e. An approved temporary structure may be moved onto a site 14 calendar days prior to commencement of construction and shall be removed within 14 calendar days following issuance of a certificate of occupancy for the permanent dwelling.
 - f. The temporary residential structure, shall be limited for use as a residence to the individuals of the family who resided in the principal structure prior to the emergency situation.
 - g. The applicant shall furnish the township with a performance guarantee in the amount as currently established or as hereafter adopted by resolution of the township board from time to time to ensure prompt removal of the temporary structure.
- (2) *Temporary structures used for nonresidential purposes.* Temporary buildings for nonresidential use, including semitrucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a licensed contractor or licensed 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.* Pursuant to the state construction code, approval from the construction board of appeals shall be required before the building official may issue a permit for a temporary structure. Any such permit shall specify a date certain for removal of the temporary structure, but the period of approval shall not exceed 12 months.
- (4) *Use as an accessory structure.* A temporary residential building or structure shall not be used as an accessory building or structure, except as permitted herein.
- (5) *Special events and other temporary uses.* The building official may grant temporary use of land and structures for special events and other temporary uses, as defined in section 32-4, subject to all of the following conditions:
- a. Written permission for the intended use is provided from the owners of the affected property, provision of adequate off-street parking;
 - b. The applicant specifies the duration of the temporary use;
 - c. Electrical and utility connections are approved by the building official;
 - d. The township may require a performance bond to assure proper clean-up and restoration of the site.
- (6) *Conditions that apply to specific temporary uses.* The following conditions apply to specific temporary uses:
- a. *Carnival or circus.*
 - 1. Maximum duration: 14 days.
 - 2. Operator or sponsor: nonprofit entity.
 - 3. Location: shall not be located in or adjacent to any developed residential area except on church, school or park property.
 - b. *Sidewalk display and sale of bedding plants.*
 - 1. Maximum duration: 30 days.
 - 2. Location: in commercial districts only.
 - 3. Sidewalk coverage: shall not cover more than 50 percent of the width of a public sidewalk.
 - c. *Christmas tree sales.*
 - 1. Maximum duration: 45 days.
 - 2. Cleanup: stumps, branches, and other debris shall be completely removed from site. Leftover trees shall be

removed within one week after Christmas.

(Ord. of 7-16-1992, § 2.07)

Sec. 32-624. - Uses not otherwise included within a district.

A land use not cited by name as a permitted use within a zoning district may be permitted only upon written determination by the building official 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 building official shall consider the following:

- (1) *Uses listed in another district.* No use shall be permitted in a district under the terms of this section if the use is specifically listed herein as a use permitted by right or as a special use in any other zoning district.
- (2) *Determination of compatibility.* In making the determination of compatibility, the building official shall consider specific characteristics of the use in question and compare such characteristics with those of the uses that 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.
- (3) *Conditions under which use may be permitted.* If the building official determines that the proposed use is compatible with permitted and existing uses in the district, the building official shall then decide whether the proposed use is permitted by right, a special use, or a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located.
- (4) *Planning commission determination.* In the event that the building official is unable to determine if a use should be considered a permitted use in a particular zoning district, then the determination shall be made by the planning commission. The planning commission may elect to resolve the case by initiating an amendment to this chapter.

(Ord. of 7-16-1992, § 2.08)

Sec. 32-625. - Yard and bulk regulations.

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this chapter:

- (1) *Minimum lot size.* Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this chapter shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
- (2) *Minimum yard setbacks.* No yard setbacks in existence on the effective date of the ordinance from which this chapter is derived, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this chapter.
- (3) *Number of principal uses per lot.* Only one principal building shall be placed on a lot of record, zoning lot or site in any single-family residential district.

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- (4) *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:

Table of Permitted Projections into Required Yards

Projection	All Yards	Rear Yard	Interior Side Yard	Corner Side Yard	Court Yard
Air conditioning equipment shelters		X	X	X	X
Access drives	X				
Arbors and trellises	X				
Awnings and canopies	X				
Bay windows	X				
Decks (if not enclosed)		X			
Eaves (overhanging)	X				
Fences*	X				
Flagpoles	X				
Gardens	X				
Gutters	X				
Hedges	X				
Laundry drying equipment		X	X		
Light standards (ornamental)	X				
Parking (off-street)*	X				
Paved terraces and open porches*		X			
Porches (unenclosed with or without roof)*	X				
Approved signs*	X				
Stairways (open unroofed)	X				
Steps	X				
Television, radio towers, or antennas		X	X	X	

Trees, shrubs, and flowers	X				
Walls (see fences)*	X				
Window air conditioning units		X			

*See additional regulations in this chapter

X = Permitted

Notes:

(a) *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.

(b) *Terraces and porches.* Open paved terraces and open porches may project into a required rear yard up to ten feet, provided that the unoccupied portion of the rear yard has a depth of at least 25 feet.

(c) *Access drives and walkways.* Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walls terrace or other pavement serving a like function, shall be permitted in any required yard, provided the pavement is not higher than six inches above grade.

(d) *Unenclosed porches with or without roof.* Unenclosed porches may project into required front yard up to six feet, and shall maintain a minimum side yard setback of three feet.

(e) *Unobstructed sight distance.* No fence, wall, structure, or planting shall be erected, established, or maintained on any lot that 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 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 roads. 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.

(f) *Unobstructed sight area.* The unobstructed triangular area is described as follows:

(1) 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

(2) 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.

(g) *Lots adjoining alleys.* In calculating the area of a lot that adjoins an alley for the purposes of applying lot area and setback requirements, 1½ of the width of said alley shall be considered a part of the lot. However, if a portion of the lot is occupied by an alley currently in use (i.e., not vacated), then such area shall not be used in lot area computations related to the landscaping standards.

(Ord. of 7-16-1992, § 2.09)

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Sec. 32-626. - 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. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.
- (b) *Public access required.* The front lot line of all lots shall abut onto a publicly dedicated road right-of-way.
- (c) *Driveway dimensions.* Driveways providing access to residential, commercial or industrial properties shall comply with the dimensional standards specified in article VI of this chapter.
- (d) *Access across residential district land.* Any land that is located in a residential district shall not be used for a driveway, walkway, or access purposes to any land that is located in a nonresidential district, unless such access is by way of a public road.
- (e) *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 established by the road commission for the county.
- (f) *Performance guarantee.* To ensure 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 section 32-634.

(Ord. of 7-16-1992, § 2.10)

Sec. 32-627. - Grading regulations.

- (a) *Intent and scope of requirements.* Compliance with the grading regulations set forth herein shall be required as follows:
 - (1) *Intent.* Grading regulations are established to control the excavation and filling of land, to assure adequate drainage away from structures and to a natural or established drainage course, and to assure protection of trees on sites where grading is to take place. The regulations set forth herein also establish procedures and requirements for grading permits, inspection of finished grading operations, and penalties for violation of the grading regulations.
 - (2) *Scope of application.* A permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alteration to the land are proposed. Filling shall include the dumping of soil, sand, clay, gravel, or other material on a site. However, where minor alterations to the land that do not affect the storm drainage pattern are proposed, a grading permit shall not be required.
- (b) *Grading plan procedure.*
 - (1) *Submitted for approval.* In the event that a grading permit is required, the applicant shall first submit a grading plan for review and approval by the building official. Grading plans may be submitted in conjunction with a site plan review,

or may be submitted as a separate plan. Such plans shall be prepared by a registered land surveyor or civil engineer.

- (2) *Standards.* At a minimum, grading plans shall show grade elevations adjacent to existing and proposed structures and at the nearest side of structures on adjacent properties, and sufficient existing and proposed elevations on the site to be altered and on as much of the adjacent property as is necessary to establish the proposed surface water drainage pattern. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan. All elevations shall be based on USGS datum. Elevations and location of bench marks used for determining elevations shall be shown on the plan.
- (3) *Subdivision plans.* For any proposed subdivision, a grading plan prepared by a registered land surveyor or civil engineer shall be submitted with the preliminary subdivision plan. The grading plan shall show the topography of the area to be platted, the existing drainage pattern, and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.
- (c) *Grading standards.*
- (1) *Slope away from buildings.* All buildings and structures shall be constructed at an elevation that provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum five percent slope away from all sides of a building or structure shall be provided for a minimum distance of ten feet.
- (2) *Runoff onto adjacent properties.* Newly established grades shall not permit an increase in the runoff of surface water onto adjacent properties, except through established drainage courses.
- (3) *Replacement grade following demolition.* If a structure or other improvements to a parcel are demolished or otherwise removed, the grade shall be returned to a condition consistent with the topography of abutting properties. Positive drainage shall be achieved throughout the parcel as to prevent the ponding of water.
- (d) *Review, inspection and approval procedures.* Grading plans shall be submitted by an applicant and reviewed by the building official. In the event that the grading plan is submitted in conjunction with a site plan submission, the planning commission shall review the grading plan as a part of normal site plan review. The building official shall issue a grading permit after the determination has been made that the proposed action complies with the requirements set forth herein and in other applicable township ordinances. For residential properties, compliance with a grading plan or general subdivision grade plan and permit shall be verified by the building official after visual on-site inspection. For nonresidential uses, the building official may request assistance from the township engineer in verifying compliance with grading plans and permits, with all costs for inspection to be charged to the applicant. The rough grading of any site must be completed before final inspection and issuance of a certificate of occupancy. A temporary certificate of occupancy may be issued subject to inspection of a final grade. Final grading shall be completed no later than six months after a certificate of occupancy has been issued.

(Ord. of 7-16-1992, § 2.11)

Sec. 32-628. - Lighting.

- (a) *Lighting sufficiency of common areas.* Subject to the following provisions, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas:
- (1) *Permitted lighting.* Only nonglare, color-corrected lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from all adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists (see diagram).
- (2) *Intensity.* In parking areas, the light intensity shall average a minimum of 1.0 footcandle, measured five feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0 footcandles, measured five feet above

surface.

- (3) *Height of fixtures.* Except for public street lighting and in exceptions as noted below, lighting fixtures shall not exceed a height of 25 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. The planning commission may modify these height standards in commercial and industrial districts, based on consideration of the following:
 - a. The position and height of buildings, other structures, and trees on the site;
 - b. The potential off-site impact of the lighting;
 - c. The character of the proposed use; and
 - d. The character of surrounding land use.
- (b) *Lighting specifications and detail.* In no case shall the lighting exceed the maximum building height in the district in which it is located.
 - (1) *Sign lighting.* Signs shall be illuminated in accordance with the regulations set forth in the state construction code and any other applicable ordinances.
 - (2) *Site plan requirements.* All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.

(Ord. of 7-16-1992, § 2.12)

Sec. 32-629. - Dumping, filling and excavation.

The dumping of waste or other materials, grading, excavating, filling, and similar "earth changes" shall be subject to the following regulations:

- (1) *Dumping of waste, junk, or similar materials.* The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of refuse, ash, garbage, rubbish, waste material or industrial by-products shall not be permitted in any district.
- (2) *Excavation.* The excavation or continued existence of unprotected holes, pits, or wells that constitute or are reasonably likely to constitute a public nuisance, a danger or menace to the public health, safety, and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired, provided such excavations are properly protected with fencing, guard rails, and warning signs. The following excavations may be permitted if proper permits are acquired: excavation related to construction of a driveway, walk, a permitted wall, or building or part thereof, or movement of soil within the boundaries of a parcel for the purposes of preparing a site for building construction or another permitted use.
- (3) *Dumping of soil, sand, clay, gravel or similar material.* The dumping or filling with soil, sand, clay, gravel or similar earthen material (excluding waste, junk, or contaminated material) on any lot or parcel of land shall not occur unless the plans for such dumping or filling have first been reviewed and appropriate permits issued by the building official. Land within a drainage easement shall not be filled unless approved by action of the township board. Land within a street right-of-way shall not be filled unless approved by the appropriate governmental unit.
- (4) *Removal of soil, sand or similar materials.* Approval of the building official shall be required prior to the removal of topsoil, sand, gravel, or similar earthen material from any site in the township. A permit shall be issued only upon finding that such removal will not cause stagnant water to collect or leave the surface of the land in an unstable condition or unfit for the growing of turf and other land uses permitted in the district in which the site is located.

State law reference— Soil erosion and sedimentation control, MCL 324.9101 et seq.

(Ord. of 7-16-1992, § 2.13)

Sec. 32-630. - Trash removal and collection.

Dumpsters may be permitted or required by the planning commission as accessory to any use other than single- and two-family residential uses, subject to the following standards and conditions for location and screening of trash dumpsters:

- (1) *Location.* Dumpsters shall be permitted in the side or rear yard provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure, and provided further that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles. Dumpsters shall comply with the setback requirements for the district in which they are located. 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 shall extend a minimum of three feet in front of the dumpster enclosure.
- (3) *Screening.* Dumpsters shall be fully 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, wood fencing, or earth mound, not less than six feet in height or at least six inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque locking gate that is the same height as the balance of the enclosure.
- (4) *Bollards.* Bollards (concrete filled metal posts) or similar protective devices shall be installed at the opening of the dumpster to prevent damage to the screening wall or fence and at other locations, as required, to protect buildings, vehicles or landscaped areas from damage.
- (5) *Site plan requirements.* The location, design, and method of screening of dumpsters shall be detailed on all site plans.

(Ord. of 7-16-1992, § 2.14)

Sec. 32-631. - Safety provisions.

- (a) *Public service access.* All structures shall be provided with adequate access for fire, police, sanitation, and public works services.
- (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 firewalls and fireproof materials, and other fire protection measures deemed necessary by the fire chief or building official.
 - (1) *Fire protection systems.* The fire chief or building official shall have the authority to require fire protection and suppression 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. 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 appropriate 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.
 - 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.

(Ord. of 7-16-1992, § 2.15)

Sec. 32-632. - Exemptions.

- (a) *Essential services.* Essential services, as defined in section 32-4, shall be permitted in any zoning district as authorized and regulated by state, federal, and local ordinances and laws. It is the intent of this chapter to exempt such essential services from those regulations governing area, height, placement, and use of land in the township where it would not be practical or feasible to comply with district requirements. Communication towers that emit wireless transmission shall be subject to site plan review and are not consider the function of an essential service. Replacement of existing essential services shall not require site plan review. Although exempt from certain regulations, proposals for the construction of new or expanded essential services shall be subject to site plan 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 operation of said services.
- (b) *Exemptions to height standards.* The height limitations of this chapter shall not apply to chimneys, church spires, public monuments, water towers, and flag poles, provided that the following requirements are met:
- (1) *Wind-driven energy devices.* The maximum height of wind-driven energy devices shall be 35 feet, provided that the device is set back from all property lines a distance equal to the height of the device. Such devices shall be located in the rear yard of a residential 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 freestanding antenna towers shall be 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 are located. Any such antennas shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.
 - c. Notwithstanding the requirements of subsections (b)(1) and (2) of this section, open element and monopole antennas shall be permitted in residential districts, provided they do not exceed the maximum height allowable for the zoning district.
 - d. Satellite dish antennas shall be subject to the regulations in section 32-636.
 - (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 antennas comply with the height standard for the district in which it is located, and are 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) *Communication towers.* Towers that emit wireless transmissions and exceed the height limitation for the zoning district in which they are proposed shall be subject to variance procedures as stated in subsection (5) of this section.
 - (5) *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 consider, at minimum, 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.

(Ord. of 7-16-1992, § 2.16)

Sec. 32-633. - Sidewalks.

Sidewalks shall be subject to the requirements of chapter 24, article II, and the following regulations:

- (1) *Location and width.* Required sidewalks shall be five feet in width and shall be located one foot off the property line within the road right-of-way, except where a 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 right-of-way. The planning commission may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements.
- (2) *Design standards.* Sidewalks shall be constructed of concrete.
- (3) *Alignment with adjacent sidewalks.* Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The planning commission may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.
- (4) *Maintenance.* The owner of the property that fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of glass and other debris. The property owner shall be liable for damages in the event that a person is injured while using a sidewalk that said property owner has not properly maintained.
- (5) *Permits.* It shall be the responsibility of the owner or developer to secure any required permits from township, county or state agencies to allow sidewalk construction in the road right-of-way.

(Ord. of 7-16-1992, § 2.17)

Sec. 32-634. - Performance guarantee.

- (a) *Intent and scope of requirements.* To ensure compliance with the provisions of this chapter and any conditions imposed thereunder, the planning commission may require that a performance guarantee be deposited with the township to ensure faithful completion of improvements, in accordance with section 505 of Public Act No. 110 of 2006 (MCL 125.3505). Improvements for which the township may require a performance guarantee include, but are not limited to, roadways, lighting, utilities, sidewalks, screening, and drainage.
- (b) *General requirements.* The performance guarantee shall meet the following requirements:
 - (1) The performance guarantee shall be in the form of a cash deposit, certified check, surety bond, or performance bond that names the property owner as the obligor and the township as the obligee.
 - (2) 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.
 - (3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance 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.
 - (4) The entire performance guarantee, including interest accrued, 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 component until satisfactory completion of the entire project.
- (c) *Unsatisfactory completion of improvements.* Whenever required improvements are not installed within the time stipulated or maintained in accordance with the standards set forth in this chapter, the township may complete the necessary improvements either through its own personnel or by contract to an outside party. All costs so incurred shall be assessed 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 by requested mail at least seven calendar days in advance of initiation of completion by the township.

(Ord. of 7-16-1992, § 2.18; Ord. of 3-11-2010, § 2.18)

Sec. 32-635. - 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 that carry electric current are prohibited. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least eight feet above the ground, and provided further that the barbed wire shall be installed on supports that extend toward the interior of the site. Fence posts shall be sunk into the ground a minimum of three feet, and all steel or metal posts shall be encased in concrete.
- (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 in any district 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, prevent, or interfere with 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. If a fence is found to be in need of repair by the building official, he may issue orders to complete such repairs. Failure to comply with a written notice from the building official shall be deemed a violation of this chapter.
- (5) *Location.* Any fence shall be located entirely on the private property of the person constructing it. Adjoining property owners may jointly apply for a fence permit, in which case the building official may permit it to be constructed upon their common property line.
- (6) *Corner clearance.* Fences located on corners shall be designed to provide unobstructed sight distance for drivers in accordance with section 32-625(4).

(b) *Review and approval procedures.*

- (1) *Application for permit.* If a fence is proposed in conjunction with a development that requires site plan review then the fence shall be shown on the site plan and shall be reviewed according to normal site plan review procedures. In all other cases, an application for permit to construct a fence shall be filed with the building official. The application shall be accompanied by a survey by a licensed surveyor and drawings or other information that illustrate the dimensions and design of the proposed fence. The survey shall clearly delineate all lot lines. All lot lines shall be permanently staked on the property.
- (2) *Review by the building official.* The building official shall review the fence application and supporting data with respect to the standards set forth in this chapter, the state construction code, and other applicable regulations. The building official may grant a permit to construct a proposed fence upon finding that it complies fully with all applicable regulations.
- (3) *Appeal of a decision.* An applicant may appeal a decision of the building official or planning commission concerning a proposed fence to the zoning board of appeals. The zoning board of appeals shall review the appeal in accordance with the standards and procedures set forth in this chapter.

(c) *Fence regulations in residential districts.*

- (1) *Location and height.*

- a. Fences in residential districts shall not exceed four feet in height, except that a maximum height of six feet shall be permitted in or adjoining a multifamily residential district.
 - b. No fence shall be permitted to extend closer to the front of the lot than the front setback line or any portion of the principal structure, whichever is greater, except as noted in this subsection (c).
 - c. Fences shall be permitted along the side street lot line on corner lots between the established building line and the front lot line. Such fences shall taper from four feet in height at the building line, to two feet at the front lot line; alternately, such fences may have a uniform height of two feet.
 - d. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk.
- (2) *Fences enclosing public areas.* Fences that enclose public parks, playgrounds, or similar public areas located within a residential district shall not exceed eight feet in height, measured from, the surface of the ground.
- (3) *Privacy screens.* Fences or privacy screens may be placed on the interior of the lot in the rear yard, subject to the following:
- a. A minimum clearance of six feet shall be provided between the proposed privacy screen and any other fence, structure, or property line.
 - b. Privacy screens shall not exceed six feet, six inches in height as measured from the surface of the ground.
 - c. Privacy screens shall be designed to screen a selected use or area (such as a swimming pool or patio) and not the entire property line.
 - d. Privacy screens shall be constructed of the materials cited previously in this section, and may also include masonry materials, subject to review and approval by the building official.
 - e. Privacy screens shall be freestanding and self-supporting.

(d) *Fence regulations in nonresidential districts.*

(1) *Location.*

- a. Fences shall be permitted in the rear or side yards of nonresidential districts, provided that no fence shall extend toward the front of the lot than any portion of the principal structure.
- b. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk.
- c. Fences on corner lots shall comply with the corner clearance requirements in section 32-625(4).

- (2) *Height.* Fences in commercial districts shall not exceed six feet in height. Fences in industrial districts shall not exceed eight feet in height, except that barbed wire shall be at least eight feet above ground, as specified in subsection (a) of this section.

(e) *Walls.* This section shall in no way alter or affect the requirements for walls set forth in article VIII of this chapter.

(Ord. of 7-16-1992, § 2.19)

Sec. 32-636. - Satellite dish antennas.

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

- (1) *Roof-mounted antennas.* Roof-mounted dish antennas up to ten feet in diameter shall be permitted in commercial and industrial districts only, provided that the antennas comply with the height standards for the district in which they are located.
- (2) *Ground-mounted antennas.* Ground-mounted antennas up to ten feet in diameter shall be permitted in all districts subject to the following conditions:
 - a. Maximum height permitted shall be 20 feet.

- b. The satellite dish structure shall be securely mounted and anchored to a pole and secured in accordance with the rec the manufacturer and the state construction code.
- c. 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.
- d. Satellite dish antennas shall comply with setback requirements for the district in which they are located, and shall not be permitted in front yards.
- e. All electrical and antenna wiring shall be placed underground.
- f. 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 with the surroundings.

(Ord. of 7-16-1992, § 2.20)

Secs. 32-637—32-660. - Reserved.

ARTICLE V. - NONCONFORMITIES

Sec. 32-661. - Definitions.

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

Effective date, whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to the ordinance from which this chapter is derived, if the amendments created a nonconforming situation.

Nonconforming building means a building or portion thereof that was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendments thereto, that does not meet the limitations on building size, location on a lot, or any other regulation for the district in which such building is located.

Nonconforming lot means a lot that was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendments thereto, which lot does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.

Nonconforming sign means a sign that was lawfully in existence on the effective date of the ordinance from which this chapter is derived, or amendments thereto, which sign does not conform to one or more regulations set forth in this chapter.

Nonconforming use means a use that was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendment thereto, and which use does not now conform to the use regulations of this chapter for the zoning district in which it is now located.

Structural (dimensional) nonconformity means 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. May be referred to as a dimensional nonconformity.

(Ord. of 7-16-1992, § 3.02)

Sec. 32-662. - Intent.

Nonconformities are uses, structures, buildings, or lots that do not conform to one or more provisions or requirements of this chapter or a subsequent amendment, but which were lawfully established prior to the time of adoption of the ordinance or amendment from which this chapter is derived. 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 chapter to permit such nonconformities to continue under

certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this chapter 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 the nonconformities shall be permitted to continue.

(Ord. of 7-16-1992, § 3.01)

Sec. 32-663. - Requirements.

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

- (1) *Continuation of nonconforming uses and structures.* Any lawful nonconforming use established on or before the effective date of the ordinance from which this chapter is derived or amendment thereto may be continued and shall not be considered to be in violation of this chapter, provided that the building and land involved shall neither be structurally altered, nor enlarged unless such modifications conform to the provisions of this chapter for the district in which it is located, unless otherwise noted in this article. Nothing in this chapter shall be deemed to prevent the strengthening or restoration of any building or part thereof to a safe condition when said building is declared to be unsafe by an order of an official charged with protecting the public safety.
- (2) *Buildings under construction.* To avoid undue hardship, nothing in this chapter shall be deemed to require a change in plans, construction, or designated use of any building on which physical construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this chapter is derived and upon which actual building construction has been diligently carried on. Physical construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been initiated preparatory to rebuilding or permanent construction, such work shall be deemed to be physical construction, provided that such work shall be continued diligently until completion of the building involved.
- (3) *Discontinuation of nonconforming uses and structures.*
 - a. *Nonconforming structure.* When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for a period exceeding 180 calendar days, 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.
 - b. *Nonconforming uses of open land.* If any nonconforming use of open land ceases for any reason for a period exceeding 180 calendar days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.
 - c. *Seasonal uses.* In applying this subsection to uses that are typically seasonal in nature, any time related to the off-season for the use shall not be counted. In the case of seasonal uses, if a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for a period exceeding 365 calendar days, 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.
- (4) *Purchase or condemnation.* In order to accomplish the elimination of nonconforming uses and structures that constitute a nuisance or are detrimental to the public health, safety and welfare, the township, pursuant to section 208 of Public Act No. 110 of 2006 (MCL 125.3208), may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses or structures. Where acquisition is contemplated, the procedures set forth in section 32-666 shall be followed.
- (5) *Recording of nonconforming uses and structures.* The building official shall be responsible for maintaining the records of nonconforming uses and structures in a manner that is as accurate as feasible. The building official make determinations as to the existence of legal nonconforming uses and structures on the effective date of this chapter.

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.

- (6) *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.
- (7) *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 and the use or structure is otherwise in compliance with this article.
- (8) *Exceptions and variances.* Any use for which a special exception or variance has been granted as provided in this chapter shall not be deemed a nonconformity. The use shall become a nonconformity on the effective date of any amendment to the ordinance from which this chapter is derived, if the amendment causes a nonconforming situation regarding the exception or variance.
- (9) *Unlawful nonconformities.* Any nonconformity that was unlawful at the time it was established shall not become a lawful nonconformity because of the adoption of the ordinance from which this chapter is derived.
- (10) *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 special conditions upon the use to accomplish the purposes of this chapter.
- (11) *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 conform to the regulations for the district in which it is then located.

(Ord. of 7-16-1992, § 3.03; Ord. of 3-11-2010, § 3.03)

Sec. 32-664. - 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 the ordinance from which this chapter is derived, or amendment thereto:

- (1) *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 chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record 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 the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.
- (2) *Variance from area and bulk requirements.* If the use of a nonconforming lot requires a variation from the area or bulk requirements, then such use shall be permitted only pursuant to a variance granted by the zoning board of appeals.
- (3) *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 chapter, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved and the entire combined area shall be considered as a singular individual parcel for the purposes of this chapter. No portion of said parcel shall be used, occupied, or sold in a manner that diminishes compliance with lot width and area requirements

established by this chapter, nor shall any division of a parcel be made that creates a lot with width or area less than the requirements stated in this chapter. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

- (4) *Combination of nonconforming lots.* Upon application to the building official, the building official may permit the combination, in whole or in part, of nonconforming lots of record into building sites that combine in dimensions less than the minimum requirements established by this chapter, provided that the combination of lots reduces the overall degree of nonconformity and results in a parcel that is capable of accommodating a structure that conforms with the building area, setback, and side yard requirements of this chapter.

(Ord. of 7-16-1992, § 3.04)

Sec. 32-665. - 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 that increases the intensity of use or nonconformity, except as specifically permitted by the regulations that follow:

- (1) *Applicability.* The following regulations shall apply to any nonconforming use or structure, including:
- a. Nonconforming uses of open land.
 - b. Nonconforming use of buildings designed or used for a conforming use.
 - c. Nonconforming use of buildings specifically designed for the type of use that occupies them but is not suitable for a conforming use.
 - d. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading or landscaping requirements.
 - e. Nonconforming structures, such as fences and signs.
- (2) *Enlargement, extension or alteration.*
- a. *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 to this chapter. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 1. An increase in the total amount of space devoted to a nonconforming use; or
 2. 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.
 - b. *Permitted extension.* Any nonconforming use may be extended throughout any part of a building that was manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building. 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 the ordinance from which this chapter is derived or amendment thereto.
 - c. *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 clearly decrease the nonconforming nature of the structure or use. The zoning board of appeals shall determine if a proposed alteration decreases the degree of nonconformity.
 - d. *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 pursuant to action by the zoning board of appeals.

(3) *Repairs, improvements, and modernization.*

- a. *Required repairs.* Repairs or maintenance deemed necessary by the building official to maintain a nonconforming building in a structurally safe and sound condition are permitted. If a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe, dangerous, and/or unlawful due to the lack of maintenance and repairs and is formally 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.
- b. *Permitted improvements.* Repairs, improvements, or modernization of nonconforming structures shall be permitted provided such repairs or improvements do not exceed the state equalized value (SEV), 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 (3) 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.

- (4) *Damage by fire or other catastrophe.* Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means in excess of the structure's pre-catastrophe state equalized value (SEV), as determined by the township assessor, shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this chapter. In the event that the damage is less than the structure's pre-catastrophe state equalized value, as determined by the township assessor, the structure may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the building official and all construction shall be in full compliance with applicable provisions of this chapter and applicable township codes. Any request for such rebuilding, repair, or restoration shall be made to the building official with 90 days following the incident. Any such rebuilding, repair, or restoration shall be completed within one year from the date of the catastrophe.

(Ord. of 7-16-1992, § 3.05)

Sec. 32-666. - Acquisition of nonconforming structures or uses.

The building official, from time to time, may recommend to the township board, the acquisition of private property for the purpose of removal of nonconformities. Where such acquisition is contemplated, the following procedures shall be followed:

- (1) *Building department documentation and recommendation.* The building department shall prepare or cause to have prepared a report for the township board. The report shall include the following:
 - a. A list of all the chapter requirements that are not met by the subject property.
 - b. An estimate of the expense of such acquisition and removal of the nonconformities.
 - c. An estimate of the probable resale price of the property after acquisition and removal of the nonconformities.
 - d. Recommendations concerning the allocation of costs to be incurred by the township.
- (2) *Township board consideration.*
 - a. *Public hearing.* After receiving and reviewing the report from the building official, the township board shall determine if acquisition should be pursued. If the township board decides to pursue acquisition, then it shall first set a public hearing. Not less than 15 calendar days prior to the public hearing, notice of the time, place, and purpose of the public hearing shall be published in the official newspaper of the township, and sent by mail to the owners of property for which acquisition is being considered. The notice shall be sent to the owner's address as stated in the latest assessment roll.
 - b. *Special assessment.* If any or all of the expense related to acquisition of the subject property is assessed to a special district, then the township assessor shall be directed to furnish the township board with a tentative special assessment district and tentative plan of assessment. The names and addresses of the owners of property located

in the district (as stated in the latest assessment roll) shall be provided to the township board. Notice of the time, place, and purpose of the public hearing shall be sent by mail to the owners of property located in the tentative special assessment district.

- c. *Township board determination.* If, following the public hearing, the township board finds that elimination of the nonconforming use or structure would be for a legitimate public purpose, then it shall be declared by resolution of the township board that the township shall proceed to acquire the nonconforming use or structure in accordance with the laws of the state and applicable township ordinances. The township clerk shall send by registered mail a certified copy of the resolution of the township board to the owners of property to be acquired and to owners of property in any special assessment district, at the addresses stated in the latest assessment roll.
- (3) *Removal of nonconformity.* Upon passing of title of the property so acquired by the township, the township board shall cause the discontinuance or removal of the nonconforming use, or the removal or demolition or remodeling of the nonconforming building or structure.
- (4) *Disposition of property.* The township board may thereafter elect to retain all or part of the property so acquired for municipal purposes. If acquisition costs and expenses are to be assessed against a special district, the amount to be assessed shall be reduced by the market value of any part of the property retained for municipal use, as determined by the township assessor. The township board shall thereafter order the sale of the portion of the property not retained for municipal purposes, but only for use in conformance with this chapter. The township board shall confirm the expense of the project and report any assessable cost to the township assessor, who shall then prepare an assessment roll in the manner provided for law. Such an assessment may, at the discretion of the township board, be paid in one or more, but not to exceed ten annual installments.

(Ord. of 7-16-1992, § 3.06; Ord. of 3-11-2010, § 3.06)

Secs. 32-667—32-690. - Reserved.

ARTICLE VI. - OFF-STREET PARKING AND LOADING

Sec. 32-691. - 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 the ordinance from which this chapter is derived, 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 from which this chapter is derived 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.* Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this chapter for the new use, regardless of any variance that may have been granted prior to change to a new use. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, an increase in floor area, an increase in seating capacity, or through any other means, additional off-street parking shall be provided to accommodate the increase in intensity of use.
- (3) *Existing parking facilities.* Off-street parking facilities in existence on the effective date of the ordinance from which this chapter is derived 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 chapter. 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 chapter.
- (4) *Additional off-street parking.* Nothing in this chapter 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 the minimum requirements of the chapter, provided all such parking conforms with the regulations herein.

(b) *General requirements.* In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

(1) *Location of parking.*

- a. *Proximity to building or use being served.* Except as otherwise permitted for collective use of off-street parking, off-street parking for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building or within 200 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) provided that the pedestrian crossing of Eight Mile Road, Wyoming Avenue, Scotia Road, or Northend Avenue is not required. Where required parking is located on a lot or parcel that is under different ownership from the building it serves or is not contiguous to the building site, a formal written agreement or easement assuring the continuing usage of said parking for the building must be properly drawn and executed by the parties concerned and made part of the site plan approval.
- b. *Within yards.* Off-street parking in commercial and office districts may be located in a front, side, or rear yard, provided that all landscaping and berm requirements in article VII of this chapter are met, and provided further that off-street parking shall not be permitted within 20 feet of a residential district boundary, not within 20 feet of the traveled portion of any road right-of-way, unless screening is provided according to article VIII of this chapter. Off-street parking in multiple-family and industrial districts may be located in a side or rear yard or a nonrequired front yard, provided that all landscaping and berm requirements in article VII of this chapter are met, and provided further that off-street parking serving an industrial use shall not be permitted within 20 feet of a residential district.

(2) *Residential parking.* 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. Such parking strips, driveways, garage floors, and other vehicle maneuvering areas shall be hard-surfaced with concrete, plant-mixed bituminous material, brick or stone. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots. Parking strips, driveways, garage floors, and other vehicular maneuvering 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. Commercial and recreational vehicle parking in residential districts shall comply with the standards in subsection (d) of this section.

(3) *Control of off-site parking.* It shall be unlawful to park, store, or offer for sale any motor vehicle or recreational 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 that serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.

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(5) *Collective use of off-street parking.* Off-street parking for separate buildings or uses may be provided collectively subject to the following: the total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, in the case of an approved plan for development within the planned development district, the planning commission may reduce the total number of required spaces required for the combined uses by up to the following:

Land Use	Required No. of Spaces	Per Each Unit of Measure
Hospitals, sanitariums	0.3	Bed, plus
	1.0	Employee
Homes for the aged, convalescent homes, and children's homes	0.3	Bed, plus
	1.0	Employee
Museum, library, cultural center, or similar facility	1.0	300 sq. ft. of usable floor space, plus
	1.0	Employee
Public utility use	1.0	Employee
School, elementary and junior high (Additional spaces provided as required for any auditorium or public meeting space. If no auditorium or public meeting space exists, then 1.0 space per classroom shall be provided in addition to required spaces for teachers, administrators, and other employees.)	2.0	Classroom
School, senior high (Additional spaces shall be provided as required for any auditorium, stadium, or other public meeting spaces.)	1.0	Teacher, administrator, or other employee, plus
	0.2	Student who may legally occupy the school at one time, based on the occupancy load established by local codes
Theaters and auditoriums stadiums, sports arenas (fixed seating)	0.3	Seat, or
	1.0	6 lineal feet of benches, whichever is greater
Theaters and auditoriums without fixed seating	0.3	Person who may be legally admitted at one time based on the occupancy load established by local code, plus

		1.0	Employee
Business and commercial uses			
	Animal hospitals and commercial kennels	1.0	400 sq. ft. of usable floor area, plus
		1.0	Employee
	Auto and vehicle repair or service facilities, bump shop (Each service or repair bay shall count as one space.)	1.0	Employee, plus
		3.0	Service or repair bay, plus
		1.0	800 sq. ft. of usable floor area
	Auto or vehicle service/filling station (Additional 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.)	1.5	Vehicle capable of being fueled at one time, plus
		2.0	Service or repair bay, plus
		1.0	Employee
	Auto wash, automatic	1.0	Employee, plus
		15.0	Automatic wash operation (stacking spaces)
	Auto wash, self-service	3.0	Washing stall (in addition to stall itself), plus
		2.0	Washing stall (drying spaces)
	Banks, financial institutions	1.0	100 sq. ft. of usable floor area
	Beauty shops or barbershops (Each separate chair, dryer, tanning booth, washbasin, work station, etc., shall be considered a station.)	3.0	Beauty or barber station for the first two stations, plus

		1.5	Each additional station
	Dining halls, exhibition halls, assembly halls, without seats	0.5	Person who may be legally admitted at one time based on the occupancy load established by local codes, plus
		1.0	Employee, or
		1.0	100 sq. ft. of usable floor area, whichever is greater
	Furniture and appliance sales, household equipment repair shops	1.0	600 sq. ft. of usable floor area
	Hotel, motel, or other lodging (Additional spaces shall be provided as required for restaurants, bars, assembly rooms, and other affiliated uses.)	1.0	Occupancy unit, plus
		1.0	Employee
	Laundromats and coin-operated dry cleaners	0.5	Washing and/or dry cleaning machine
	Lumberyard (Additional spaces shall be provided as required for enclosed retail space.)	2.5	Employee
	Miniwarehouses, self-storage establishments	1.0	10 storage units, equally distributed throughout the storage area, plus
		2.0	Manager's or caretaker's quarters, plus
		1.0	50 storage units located at the project office
	Mortuaries, funeral homes	1.0	50 sq. ft. of floor area in the parlor area
	Motels, hotels, public lodginghouse (Additional spaces to be provided as required for restaurant facilities, meeting rooms, and similar uses.)	1.0	Guestroom, plus

		1.0	Employee
	Motor vehicle sales, new (Each service stall count as one space. All parking required shall be exclusive from parking for vehicles offered for sale.)	1.0	200 sq. ft. of usable floor area exclusive of service areas, plus
		3.0	Auto service stall in the service area, plus
		1.0	Employee
	Motor vehicle sales, used	2.5	Employee
	Open air business (Additional spaces provided for as required for retail sales within a building.)	1.0	150 sq. ft. of land area being used for display
	Personal service establishments not otherwise specified	1.0	300 sq. ft. of usable floor area, plus
		1.0	Employee
	Radio, cable or television station or studio	1.5	Employee
	Restaurants, bar/lounge/tavern (parking for the portion used principally for dining shall be based on the requirements for standard restaurants.)	1.0	50 sq. ft. of usable floor area
	Restaurants, carry-out	10.0	Service or counter station, or
		1.0	30 sq. ft. of usable floor area in customer waiting areas, plus
		1.0	Employee
	Restaurants, fast food drive-in, drive-through	1.0	50 sq. ft. of eating area, plus
		1.0	Employee, plus
		10.0	Drive-through window (stacking spaces)
	Restaurants, standard	1.0	50 sq. ft. of usable floor area, or

		0.5	Person who may be legally admitted at one time based on the capacity load established by local codes, whichever is greater
	Shopping centers (Parking requirements for restaurants located in shopping center computed separately and added to the parking requirements for the other uses.)	1.0	100 sq. ft. of usable floor area
	Supermarkets, convenience stores	1.0	150 sq. ft. of usable floor area
	Wholesale sales stores, showroom of a plumber, electrician, or similar trade	1.0	1,000 sq. ft. of usable floor area, plus
		1.0	Employee
	Retail stores not otherwise specified	1.0	150 sq. ft. of usable floor area
Office uses			
	Business and professional offices, except as otherwise specified	1.0	300 sq. ft. of usable floor area
	Professional offices, and clinics of doctors, dentists, and similar medical professions	1.0	100 sq. ft. of usable floor area in waiting rooms, plus
		1.0	For each examining room, dental chair or similar area, plus
		1.0	Employee
	Real estate offices	1.0	125 sq. ft. of usable floor area
Industrial uses			
	Contractor or construction use	1.5	Employee

	Manufacturing establishments, or establishments for industrial production, processing, assembly, research, compounding, preparation, cleaning, servicing, testing, repair, plus accessory business offices and storage facilities	1.0	750 sq. ft. of gross floor area
	Wholesale and warehouse establishments	1.0	1,500 sq. ft. of gross floor area
Recreational uses, public and private			
	Arcades	2.0	Machine, plus
		1.0	Employee
	Archery facilities	2.0	Target
	Softball, baseball fields	25.0	Playing field
	Bowling establishments (Additional spaces shall be provided as required for restaurants, bars, and other affiliated uses.)	5.0	Lane
	Dancehalls, health spas, skating rinks, personal fitness center and similar indoor recreation uses	0.5	Person who may be legally admitted at one time based on the occupancy load of local codes, plus
		1.0	Employee
	Football and soccer fields	30.0	Field
	Golf course, full, par 3, or miniature (additional spaces shall be provided as required for clubhouse, restaurant, pro shop, or other affiliated facilities.)	3.0	Golf hole, plus
		1.0	Employee
	Golf driving range	1.0	Tee

	Private clubs and lodges	0.5	Persons who may be legally admitted at one time based on the occupancy load of local codes, plus
		1.0	Employee
	Stadium, sports arena, or similar assembly space with fixed seating	0.3	Seat, or
		1.0	6 lineal feet of benches
	Tennis clubs and court-type recreation uses, swimming pools (Additional spaces shall be provided as required for restaurants, bars, pro shops, and other affiliated facilities.)	0.5	Person permitted based on the capacity of the courts, plus
		1.0	Employee

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(c) *Layout and construction.* All off-street parking facilities containing four or more spaces, except those serving single-family residences, shall be designed, constructed, and maintained in accordance with the following requirements:

(1) *Review and approval requirements.* 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 and shall not require site plan approval. Upon completion of construction, a parking lot must be inspected and approved by the building official before a certificate of occupancy can be issued for the use of the parking area and for the building or use the parking is intended to serve. Plans shall be prepared at a scale of not less than 50 feet equal to one inch. Plans shall include typical pavement cross sections and indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to all construction and design standards formally established by the township. 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 section 32-634.

(2) *Dimensions.*

a. Off-street parking shall be designed to conform with the following standards and diagram:

<p>Off-Street Parking Space Standards</p> <p>(in feet)</p>
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Angle (degrees)	Maneuvering Aisle Width	Parking Space Width	Stall Depth to Wall	Total Width of One Stall, plus Maneuvering Aisle	Total Width of Two Stalls, plus Maneuvering Aisle
Zero (parallel) ^(a)	12.0	23.0	8.0	20.0	28.0
Two-way aisle ^(a)	24.0	23.0	8.0	31.0	39.0
Up to 53 ^(b)	12.0	9.0	20.0	32.0	52.0
54 to 74 ^(b)	15.0	9.0	20.0	36.5	58.0
75 to 90	20.0	9.0	20.0	40.0	60.0

Notes:

(a) Parallel spaces shall provide a three-foot-marked maneuvering area between stalls.

(b) Limited to one-way access aisles.

b. Driveways providing access to residential, commercial or industrial uses shall comply with the following minimum standards:

Minimum Driveway Width Standards				
(in feet)				
Normal Width	Residential		Commercial	Industrial
	Single-family	Multiple-family		
One-way	9	15	15	20
Two-way	NA	24*	24*	31*

*Main access driveways and internal circulation routes used by trucks shall be 31 feet in width.

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- (3) *Stacking spaces.* Stacking spaces shall be provided as required in the schedule of off-street parking. Stacking spaces shall minimum of ten feet wide and 20 feet in length, shall not extend into any public right-of-way or private access easement, be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.
 - (4) *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 20 feet from the nearest point of any property zoned for single-family residential use.
 - (5) *Surfacing and drainage.* Grading, surfacing, and drainage plans shall comply with township standards and shall be subject to review and approval by the building official. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material. 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.
 - (6) *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, walls, 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. A freeway type guardrail is prohibited from use in lieu of curbs or wheel chocks.
 - (7) *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 this chapter. All lighting shall be confined within and directed onto the parking area only.
 - (8) *Buildings.* No building or structure shall be permitted on an off-street parking lot.
 - (9) *Signs.* Accessory directional signs shall be permitted in parking areas in accordance with township sign regulations. The planning commission, upon review and recommendation of the public safety official, may require the posting of traffic control signs as it deems necessary to promote vehicular and pedestrian traffic.
 - (10) *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 VII of this chapter.
 - (11) *Striping.* To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped. Except for parallel parking spaces, each stall shall be delineated with four-inch wide double lines 24 inches apart. The width of the parking stall may be computed from the centers of the double striping.
 - (12) *Maintenance.* All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, lane marking, space striping, and related appurtenances shall be maintained in good condition.
- (d) *Commercial and recreational vehicle parking in residential districts.*
- (1) *Commercial vehicle parking.* One commercial vehicle only, with a rated capacity of not to exceed three-quarter-ton, may be parked on a residential lot, provided that the vehicle is not a utility truck, such as a wrecker, septic tank pumper, or a vehicle that carries flammable or toxic materials.
 - (2) *Recreational vehicle parking.* Recreational vehicles as defined in section 32-4, 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.* Recreational vehicles not parked in a garage shall be parked or stored entirely in the rear or side yard, but not less than five feet to a side or rear property line that abuts a residential use. On a corner lot, recreational

vehicles must be parked and/or stored not less than 20 feet from an adjoining street.

- d. *Temporary parking.* Notwithstanding the provisions in subsection (d)(2)c of this section 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.
 - e. *Lot coverage.* Recreational vehicles may occupy no more than 20 percent (existing standards) of the required rear yard.
 - f. *Sole transportation.* A recreational vehicle designed for use on streets and highways may be parked in a driveway of a residence if it is the sole means of transportation to and from work for one or more of the permanent residents.
 - g. *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, and, if required, have a current state license attached.
 - h. *Storage of mobile homes.* The parking or storage of an unoccupied mobile home as defined in section 32-4, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in an approved mobile home park.
 - i. *Waiver of regulations.* The provisions concerning connection to utilities, use as living quarters, and location may be waived for a single 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. Any such waiver shall be obtained from the building official.
 - j. *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.
- (3) *Vehicle storage and repair prohibited.* The following is prohibited in all residential districts.
- a. *Storage of inoperable or unlicensed vehicles.* The storage of an inoperable or unlicensed motor vehicle as defined in the Michigan vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.), unless stored in compliance with subsection (d)(3)c of this section.
 - b. *Storage of recreational vehicles.* The storage of any recreational vehicle as defined in section 32-4, except in compliance with subsection (d)(2) of this section.
 - c. *Repair or maintenance.* The repair or maintenance of any vehicle that renders the vehicle inoperable for a period in excess of 72 hours, unless the vehicle under repair is registered to the owner of the property and the repair or maintenance activities are conducted entirely within an enclosed garage or other enclosed structure approved for such purpose by the township.

(Ord. of 7-16-1992, § 4.01)

Sec. 32-692. - Loading space requirements.

- (a) *Scope of loading space requirements.* Compliance with the following loading space regulations 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 re this chapter for the new use, regardless of any variance that may have been in effect prior to change of use.

(b) *General requirements.*

- (1) *Location.* Required loading space shall be located to the rear or side of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with vehicular traffic circulation on streets, alleys, or within off-street parking areas. Loading/unloading areas shall not be placed in required fire lanes.
- (2) *Dimensions.* Unless otherwise specified, each required loading space shall be a minimum of ten feet in width and 50 feet in length, with a minimum 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. Grading, surfacing, and drainage plans shall be subject to review and approval by the building official. Surface water shall not be permitted to drain onto adjoining property, a public easement, a public right-of-way or into the public sanitary sewer system, except in accordance with a township approved drainage plan.
- (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.* A required loading space shall be dedicated to loading and unloading purposes and 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 a public street or alley.
 - 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 that follows. In a planned development district, the planning commission may modify the minimum requirements. In other districts, the zoning board of appeals may reduce or modify the standards upon making the determination that another standard would be more appropriate considering of the number or type of deliveries expected or experienced for a particular use or site.

Schedule of Loading Space Requirements	
Gross Floor Area (in square feet)	Number of Loading Spaces
0—5,000	See note*
5,001—20,000	1 space
20,001—100,000	1 space, plus 1 for each 20,000 sq. ft. in excess of 20,001 sq. ft.
100,001 and over	5 spaces, plus 1 for each 50,000 sq. ft. in excess of 100,001 sq. ft.

***Note:**

Establishments containing less than 5,000 square feet of gross floor area shall provide adequate dedicated 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.

(Ord. of 7-16-1992, § 4.02)

Secs. 32-693—32-713. - Reserved.

ARTICLE VII. - LANDSCAPING

Sec. 32-714. - Intent and scope of requirements.

- (a) *Intent.* Landscaping enhances the visual image of the township, improves property values and alleviates the impact of noise, traffic, and visual distraction associated with certain land 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; and
 - (2) Protect and preserve the appearance, character, and value of the neighborhoods that abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare.
- (b) *Scope of application.* No site plan shall be approved unless it contains landscaping that meets or exceeds the requirements of this article. No building permit shall be issued by the building official until the required landscape plan is submitted and approved, and no certificate of occupancy shall be granted unless provisions of this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in section 32-634.
- (c) *Minimum requirements.* The requirements in this article are minimum requirements. Under no circumstances shall they preclude the installation of more extensive landscaping.
- (d) *Design creativity.* Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform distances, randomly, 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.

(Ord. of 7-16-1992, § 5.01)

Sec. 32-715. - 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, ground cover, shrubbery, or, other suitable live plant material, and 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 the unpaved open portions of nonresidential parcels where specific landscaping minimums are not required within this article. Based upon the overall appearance of the proposed site and the amount of landscaping provided elsewhere on the site, the total number of trees required shall

be approved at the time of site plan review. Required trees may be planted at uniform distances, randomly, or in groupings.

(b) *Landscaping adjacent to roads and road rights-of-way.* Landscaping adjacent to roads and road rights-of-way shall comply with the following planting requirements:

- (1) *Minimum requirements.* A landscaped area with a minimum depth of 20 feet shall be required on private property contiguous to Eight Mile Road. The landscaping area adjacent to other roads or road rights-of-way shall consist of a minimum depth of ten feet. This landscaped area shall exclude approved openings for vehicle and pedestrian access. Through lots or corner lots shall provide such landscaping along all adjacent road rights-of-way. Except for the right-of-way of Eight Mile Road, the planning commission may permit all or a portion of the landscaped area to be located within a road right-of-way or elsewhere within the front setback area, provided that the planning commission finds that all of the following conditions exist regarding the proposed relocation:
 - a. The relocation is justified because of the physical characteristics of the site, the location of existing easements, sidewalks, or landscaping, the configuration of existing parking, the need to maintain emergency vehicle access, or because of other public health or safety concerns.
 - b. The landscaped area will not result in less landscaped area than would be required if the landscaped area had been located on private property contiguous to the road right-of-way.
 - c. The landscaped area is consistent with the intent of this section.
 - d. The landscaped area will not jeopardize traffic safety or the general planning of the township.
- (2) *Required plantings.* 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 distances, randomly, or in groupings.

Type	Requirements
Deciduous tree	1 per 40 lineal feet of road frontage
Shrubs	6 per 40 lineal feet of road frontage

(3) *Location.*

- a. Where planted, trees shall comply with the following minimum setbacks, as measured from the center of the tree:
 - 1. Setback from edge of road: ten feet.
 - 2. Setback from fire hydrant: five feet.
 - 3. Setback from vehicular drive or sidewalk: five feet.
- b. When planted, shrubs shall comply with the following minimum setbacks, as measured from the edge of the shrub:
 - 1. Setback from edge of road: five feet.
 - 2. Setback from fire hydrant: five feet.

(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 first 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, ground cover, or other suitable live plant material it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construc materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved as part plan by the planning commission.

(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 as set forth in section (b) of this section.

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, as set forth in subsection (e) of this section.

(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 ground cover requirements.* Grass, ground cover, 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, the following minimums are required:

Type		Requirements
	Deciduous tree	1 per 40 lineal feet of required greenbelt.
As substitution:		
	Shrubs	8 per 40 lineal feet of required greenbelt.

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.

d. *Setback from property line.* Plant materials shall be placed no closer than four feet from the property line or fence line.

(3) *Greenbelts used for screening.* Greenbelts used for screening shall be landscaped in accordance with the requirements for screening as set forth in subsection (e) of this section.

(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 (no farther than 15 feet apart) that 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.

(2) *Screening of equipment.* Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennas, 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) *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. The amount of parking lot landscaping may be decreased to seven square feet per parking space where a berm is constructed to screen the parking from the road in accordance with section 32-716(a)(3), (b)(3) or (c)(3). Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, screen parked vehicles from public view and improve the appearance of the parking area.
- (2) *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.
- (3) *Other landscaping.* Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- (4) *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, ground cover, or trees. Plantings within parking lots shall comply with the requirements for unobstructed site distance set forth in section 32-625. The landscape plan shall indicate the species, sizes, and quantities of plant material proposed for such area.

(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 ground cover, 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.

- (1) Trees and shrubs shall not be planted in the road right-of-way without first obtaining approval from the agency that has jurisdiction over the road.
- (2) Trees and shrubs shall be planted no closer to the edge of the road pavement than the distances specified in the following chart:

Road Setback Requirements For Plantings	
Trees	10 feet (measured from center of tree)
Shrubs	5 feet (measured from perimeter of shrub)

(h) *Maintenance of unobstructed visibility for drivers.* No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning unobstructed sight distance set forth in section 32-625.

(i) *Potential damage to utilities and public facilities.* Landscaping material shall not be planted in a manner that 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:

Utility Setback Requirements for Plantings	
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Potential Tree Height (feet)	Minimum Distance from Center of Trunk to Nearest Utility Line (feet)
Up to 15	10
15 to 25	20
Over 25	30

- (j) *Landscaping of divider medians.* Where traffic on driveways, maneuvering lanes, private roads, or similar means of vehicular access are 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 distances, randomly, or in groupings, but in no instance shall the center-to-center distance between trees exceed 60 feet.
- (k) *Irrigation.* Each landscaped area shall have water access available as stated in section 32-718(b). The site plan shall indicate the proposed method of providing water to landscaped areas. Although not required, installation of an inground irrigation or sprinkler system is encouraged, particularly in front yards.

(Ord. of 7-16-1992, § 5.02)

Sec. 32-716. - Specific landscaping requirements for zoning districts.

- (a) *Requirements for commercial, office, and industrial districts.* All lots or parcels of land located in office, commercial, or industrial zoning districts shall comply with the following landscaping requirements:
- (1) *General site landscaping.* Exclusive of parking lot requirements, at least six percent of the total area of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in section 32-715(a), except where specific landscape elements are required.
 - (2) *Landscaping adjacent to road or road right-of-way.* All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in section 32-715(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 32-715(b). The berm shall be located entirely on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with section 32-715(f).
 - (4) *Screening.* Landscaped screening or a wall shall be required wherever a nonresidential use in a commercial, office, or industrial district abuts land zoned for residential purposes. Landscaped screening shall comply with the requirements in section 32-715(e). If a wall is used instead of landscaping, the requirements in article VIII of this chapter 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 32-715(f).
- (b) *Requirements for multiple-family district.* All lots or parcels of land located in the multiple-family zoning district 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 or road right-of-way.* All multiple-family developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in section 32-715(b).
- (3) *Berm requirements.* A berm may be used to screen off-street parking from view of the roadway or other public property, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with section 32-715(b). The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with section 32-715(f).
- (4) *Screening.* Landscaped screening or a wall shall be required on all sides of a multiple-family development, except on sides facing a road. Landscaped screening shall comply with the requirements in section 32-715(b) and (e). A wall may be used instead of landscaping adjacent to nonresidential districts, subject to the requirements in article VIII of this chapter.
- (5) *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in section 32-715(f).
- (6) *Privacy screen.* Where multiple-family dwellings are designed so that open common areas or individual patio areas abut a public street, a landscaped privacy screen shall be provided (see illustration). The screen may consist of a combination of trees, shrubs, and landscaped berms, subject to site plan review and approval by the planning commission.

(c) *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.* At least ten percent of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in section 32-715(a), except where specific landscape elements are required.
- (2) *Landscaping adjacent to road or road right-of-way.* All nonresidential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road or road right-of-way in section 32-715(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 32-715(b). The berm shall be located entirely on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with section 32-715(f).
- (4) *Screening.* Landscaped screening or a wall shall be required wherever a nonresidential use abuts zoned for residential purposes. Landscaped screening shall comply with the requirements in section 32-715(e).
- (5) *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in section 32-715(f).

(Ord. of 7-16-1992, § 5.03)

Sec. 32-717. - Standards for landscape materials.

Unless otherwise specified, all landscape materials shall comply with the following standards:

- (1) *Plant quality.* Plant materials used in compliance with the provisions of this chapter shall be nursery grown, free of pests and diseases, hardy in the county, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.
- (2) *Nonliving plant material.* Plastic and any other nonliving plant materials shall not be acceptable to meet the

landscaping requirements of this chapter. Upon approval of the planning commission through site plan review, water bodies, boulder groupings, landscape furniture, and manmade landscape ornaments, singly or in combination may account for a maximum of 30 percent of the ground area to be landscaped.

- (3) *Plant material specifications.* The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this chapter:
- a. *Deciduous shade trees.* Deciduous shade trees shall be a minimum of 2.5 inches in caliper measured 12 inches above grade with the first branch a minimum of four feet above grade when planted.
 - b. *Deciduous ornamental trees.* Deciduous ornamental trees shall be a minimum of 1½ inches in caliper measured six inches above grade with a minimum height of four feet above grade when planted.
 - c. *Evergreen trees.* Evergreen trees shall be a minimum of five feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of 2.5 feet, and the root ball shall be covered in burlap and shall be at least ten times the caliper measured six inches above grade.
 - d. *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.
 - e. *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.
 - f. *Vines.* Vines shall be a minimum of 30 inches in length after one growing season.
 - g. *Ground cover.* Ground cover 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.
 - h. *Grass.* Grass area shall be planted using species normally grown as permanent lawns in the county. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged, hydra-seeded 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.
 - i. *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.
 - j. *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. Additional undesirable plant materials may be identified, a list of which shall be maintained by the building official.
 1. Box elder.
 2. American elm.
 3. Tree of heaven.
 4. European barberry.
 5. Northern catalpa.
 6. Poplar.
 7. Willow.
 8. Silver maple.
 9. Horse chestnut (nut bearing).

(Ord. of 7-16-1992, § 5.04)

(a) *Standards.* The following standards shall be observed where installation and maintenance of landscape materials are required.

- (1) *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 Minimum Plant Material Specifications ^(a)				
Types	Caliper (inches)	Height (feet)	Spread (feet)	Length (inches)
Deciduous trees	2½ ^(b)	4 to first branch		
Ornamental trees	1½ ^(c)	4 to first branch		
Evergreen trees		5	2½	
Shrubs		2	2	
Hedges		2		
Vines				30 ^(d)

Notes:

(a) See section 32-717 for detailed requirements.

(b) Measured 12 inches above grade.

(c) Measured six inches above grade.

(d) After one season.

(2) *Protection from vehicles.* All landscaped areas shall be protected from vehicles through use of curbs or wheel stops. All landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt, and other hazards.

(3) *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 the township to ensure installation of required landscaping in the next planting season, in accordance with section 32-634.

(4) *Maintenance.* Landscaping required by this chapter or as approved by the planning commission through site plan review 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.

- (b) *Watering.* 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.
- (c) *Repair and maintenance of landscape elements.* 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 upon notice from the building official.

(Ord. of 7-16-1992, § 5.05)

Sec. 32-719. - Treatment of existing plant material.

The following regulations shall apply to existing plant material:

- (1) *Consideration of existing elements in the landscape design.* In instances where healthy plant material exists on a site prior to its development, the planning commission may permit substitution of existing plant material in lieu of part or all of the requirements in this section, provided that such substitution is in keeping with the spirit and intent of this article and this section in general. Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements conform with the requirements of this section.
- (2) *Preservation of existing plant material.* Site plans shall show all existing trees that are located in the portions of the site that will be built upon or otherwise altered, and are five inches or greater in caliper, measured 12 inches above grade. Such trees shall be clearly labeled "to be removed" or "to be saved" on the site plan. For trees labeled "to be saved" on the site plan, protective measures must be implemented during construction, such as the placement of fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved nor shall the grade of the soil within the dripline be changed as a result of the construction. In the event that existing healthy plant materials that are intended to meet the requirements of this chapter are removed, damaged or destroyed during construction, the plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule:

Caliper Measured 12 Inches Above Grade		
Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6 inches	2½ to 3 inches	1 for 1
More than 6 inches	2½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction of damaged tree

(Ord. of 7-16-1992, § 5.06)

Sec. 32-720. - 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 requirements of this article, provided that any adjustment maintains the intent of this article and this section in general. In granting a modification, the planning commission shall make a finding of the following:

- (1) The public benefit intended by the landscape regulations will be better-achieved with a plan that varies from the strict requirements of this article; and
- (2) Strict adherence would be less effective and not enhance the site in the following ways:
 - 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; or
 - b. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

(Ord. of 7-16-1992, § 5.07)

Secs. 32-721—32-738. - Reserved.

ARTICLE VIII. - WALLS

Sec. 32-739. - Obscuring wall standards.

Where permitted or required by this article, 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 to 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.
 - c. Walls shall not extend closer to the front lot line than the required front setback.
- (2) *Corner clearance.* Obscuring walls shall comply with the specifications for maintenance of unobstructed sight distance for drivers, section 32-625.
- (3) *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 sections 32-625 and 32-715.
 - 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. Chainlink fences shall not be permitted for screening purposes.
 - c. The zoning board of appeals may waive the requirements for an obscuring wall only upon making the determination that:
 1. The adjoining residential district is in transition and will become nonresidential in the future; or
 2. Existing physical features provide adequate screening.

- (4) *Wall specifications.* Required walls shall be constructed of masonry material that is architecturally compatible with the m used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with sin brick or stone patterns. Alternately, walls may be constructed of pre-cast steel-reinforced panels, anchored in place by st columns, provided that the pre-cast panels have a simulated brick or stone pattern that is compatible with the architectu principal structure. Required walls may not contain advertising or other signage.
- (5) *Wall requirements.* For the following uses and districts an obscuring wall shall be provided as specified along property lines that abut a residential district, except where landscaped screening is permitted by the planning commission in lieu of a wall (see section 32-715(e):

Proposed Use or District	Wall Height Requirements (feet)
Vehicular parking (VP) district	4.5
Off-street parking (other than VP district)	4.5
Office uses or districts	4.5
Multiple-family uses or districts adjacent to single-family districts	4.5
Commercial uses or districts	6.0
Industrial uses or districts	Six minimum up to eight to completely screen storage, loading, and service areas
Utility buildings, substations	6.0
Service and delivery areas	6.0

(Ord. of 7-16-1992, § 6.01)

Sec. 32-740. - 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 32-636. 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, based upon the determination of the building official.
- (b) *Subdivision entrance structures.* Residential subdivision entrance structures, such as walls, columns or gates that mark the entrance to a single-family subdivision or multiple-family development, shall be permitted in the required setback area, provided that all of the following conditions are met:
- (1) The entrance structure shall comply with the requirements for unobstructed site distance in section 32-625.

- (2) Entrance structures shall not exceed four feet, six inches in height.
- (3) Entrance structures shall not be located in the existing or planned right-of-way.
- (4) Approval of the building official and issuance of a building permit shall be required prior to construction.
- (5) Signage on the entrance structure shall comply with article XI of this chapter.

(Ord. of 7-16-1992, § 6.02)

Secs. 32-741—32-763. - Reserved.

ARTICLE IX. - SITE DEVELOPMENT STANDARDS

Sec. 32-764. - Intent and scope of regulations.

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 that is of an area, intensity or type, or that possesses characteristics that are unique or atypical for the district in which the use is allowed. These standards are intended to ensure that such uses will be compatible with surrounding land uses and ensure the orderly development of the district. Conformance with these standards shall be subject to site plan review. 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.

(Ord. of 7-16-1992, § 7.01)

Sec. 32-765. - Site development standards for nonresidential uses.

- (a) *Automobile or vehicle sales.* Automobile or vehicle sales operations with repair facilities or outdoor sales space shall be subject to the requirements in this subsection (a). These requirements shall apply to any operation involving the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.
 - (1) *Grading, surfacing, and drainage.* Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the building official.
 - (2) *Driveway location.* The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least 50 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
 - (3) *Servicing of vehicles.* All servicing of vehicles 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. Buildings containing the service operations shall be located a minimum of 30 feet from any abutting residential property line.
 - e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the interior of the service building.
 - f. Buildings should be oriented so that open bays, particularly for self-service automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall pursuant to article VIII of this chapter.
 - (4) *Broadcasting devices prohibited.* Devices for the outdoor broadcasting of voice, telephone monitoring, music or any

other amplified sound shall be prohibited outside of any building.

(5) *Setbacks.* Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the requirements for parking lots, as specified in section 32-691(b)(1).

(6) *Minimum lot area.* The minimum lot area required for such uses shall be two acres.

(b) *Automobile filling stations, automobile or vehicle service stations, automobile repair garages.* The following regulations shall apply to automobile filling stations and automobile or vehicle service stations, including tire, battery, muffler and undercoating shops:

(1) *Minimum lot area.* The minimum lot area required for such uses shall be 20,000 square feet.

(2) *Minimum lot width.* The minimum lot width required for such uses shall be 150 feet.

(3) *Minimum setbacks.* Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

Minimum Setback from	
Right-of-Way Line	
Nearest edge of pump island	25 feet
Nearest edge of unenclosed canopy	20 feet

(4) *Ingress and egress.* Ingress and egress drives shall be a minimum of 31 feet and a maximum of 40 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. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near a vehicular 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 that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Adequate vehicle parking and stacking spaces shall be provided as required in article VI of this chapter.

(7) *Orientation of open bays.* Buildings shall be oriented so that open service bays do not face onto adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or obscuring wall per article VIII of this chapter.

(8) *Outside storage.* Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding 48 hours, provided that such vehicles are stored in the rear yard within a masonry screening wall

that is not less than six feet in height.

(9) *Vehicle sales and storage.* The storage, sale, or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited except in conformance with this chapter.

(c) *Automobile wash or carwash establishment.* The following regulations shall apply to automobile wash or carwash establishments:

(1) *Minimum lot area.* The minimum lot area required for automobile or carwash establishments shall be 10,000 square feet.

(2) *Layout.* All washing activities shall be carried on within a fully enclosed building. Vacuum activities shall be permitted in the rear yard only, provided such activities are located at least 25 feet from adjacent residentially zoned or used property. Entrances and exists shall not face abutting residentially zoned or used property. Adequate vehicle parking and stacking spaces shall be provided as required in article VI of this chapter.

(3) *Entrances and exits.* Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located within the carwash property. Sufficient maneuvering area shall be provided within the site to access all service areas. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

(4) *Orientation of open bays.* Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall per article VIII of this chapter.

(5) *Drainage.* Paved areas be sloped in a manner to drain all vehicular wash water to the drainage gates and prevent stormwater runoff from entering sanitary sewer connections.

(d) *Drive-in establishments.*

(1) *Setbacks.* Buildings or other structures used for the purpose of a drive-in establishment shall be set back a minimum of 50 feet from any street right-of-way line.

(2) *Location of driveways.* Driveways serving drive-in establishments shall provide direct access from a major thoroughfare or arterial road. The nearest edge of any entrance or exit drive shall be located no closer than 25 feet from any street or road intersection, as measured from the nearest intersection right-of-way line.

(3) *Screening.* An obscuring wall shall be provided along all property lines abutting property that is zoned or used for residential purposes or properties zoned for commercial, or office use, subject to the requirements in article VIII of this chapter.

(e) *Fast food and drive-through restaurants.* The following regulations shall apply to fast-food and drive-through restaurants:

(1) *Minimum frontage.* The site shall have a minimum of 150 feet of frontage on a major thoroughfare.

(2) *Location of driveways.* Ingress and egress points shall be located no closer than 25 feet from the intersection of any two streets (measured from the nearest right-of-way line). Points of vehicular ingress and egress shall be limited to the thoroughfare having business zoned frontage only. The minimum distance between driveways providing off-site ingress or egress shall be at least 50 feet measured from the two closest driveway curbs.

(3) *Screening.* An obscuring wall shall be provided along all property lines abutting property that is zoned or used for residential purposes, or zoned for commercial, or office use, subject to the requirements in article VIII of this chapter.

(4) *Control of sound level.* Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

(5) *Stacking spaces.* A restaurant with a drive-through window shall provide stacking spaces for each drive-through window as required in the schedule of off-street parking, section 32-691

(f) *Funeral homes or mortuaries.* The following regulations shall apply to funeral homes and mortuaries:

(1) *Assembly area.* An adequate assembly area shall be provided off-street for vehicles to be used in funeral processions.

All maneuvering areas and exit aprons shall be located within the site. Streets and alleys shall not be used for maneuvering or parking of vehicles.

- (2) *Screening*. The service and loading area shall be obscured from adjacent residential areas in accordance with article VIII of this chapter.
 - (3) *Caretaker's residence*. A caretaker's residence may be provided within the main building of the funeral home or as an approved accessory building on the site, subject to the provisions of this chapter.
- (g) *Group child care home, child care center*. The following regulations shall apply to group child care homes, child care centers, nursery schools, day nurseries, and preschools:
- (1) *Licensing*. In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the state department of humanservices and shall comply with the minimum standards outlined for such facilities.
 - (2) *Outdoor play area*. A minimum of 150 square feet of outdoor play area shall be provided, and maintained per child, provided that the overall area of the 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 in accordance with the requirements in article VII of this chapter.
 - (3) *Setbacks*. Child care centers shall have a minimum side yard setback of at least 25 feet.
- (h) *Hospitals*. The following regulations shall apply to hospitals:
- (1) *Lot area*. The minimum lot area for a hospital site shall be five acres.
 - (2) *Setbacks*. The principal building and all accessory buildings shall be set back a minimum distance of 50 feet from any property line. The planning commission may allow the placement of an eight-foot high obscuring masonry wall at the property line in lieu of the setback requirement.
 - (3) *Screening*. Ambulance, emergency entrance areas, and loading areas shall be effectively screened from view from all adjacent residential uses by the building design, landscaping, or a masonry wall.
 - (4) *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 No. 299 of 1947 (MCL 331.501 et seq.).
- (i) *Junkyards*. The following regulations shall apply to junkyards:
- (1) *Minimum lot area*. The minimum lot area for a junkyard shall be five acres.
 - (2) *Location*. A parcel of land used for a junkyard shall abut only nonresidential or noncommercial land uses or zoning districts.
 - (3) *Setbacks*. A minimum setback of 70 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 70 feet from any road or highway right-of-way line, and at least 200 feet from any property line that abuts property zoned or used for residential purposes.
 - (4) *Screening*. The entire junkyard site shall be screened from view with an eight-foot obscuring masonry wall, constructed in accordance with article VIII of this chapter. The wall shall be uniformly painted and maintained in neat appearance, and shall not have any temporary or permanent signs or symbols painted or placed upon it.
 - (5) *Surfacing*. All roads, driveways, parking lots, and loading and unloading areas shall be paved and provide adequate drainage.
 - (6) *Regulated activities*. 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.
- (j) *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 the following:
 - a. The lot on which any such kennel is located shall have a minimum lot area of 20,000 square feet.
 - b. No more than six animals over the age of six months shall be housed in a private kennel.
 - c. 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.
- (2) *Commercial kennels.* Commercial kennels shall be subject to the following standards:
 - a. Any such kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies.
 - b. The lot on which any such kennel is located shall have a minimum lot area of one acres. 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. 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.
- (k) *Miniwarehouses.* The following regulations shall apply to miniwarehouses:
 - (1) *Lot area.* The minimum lot area for miniwarehouses shall be one acre.
 - (2) *Permitted use.* Miniwarehouse establishments shall provide for inside storage only. All storage must be completely contained within enclosed buildings.
 - (3) *Site enclosure.* The entire site, exclusive of access drives, shall be enclosed with a six-foot high masonry wall, constructed in accordance with article VIII of this chapter.
 - (4) *Orientation of open bays.* Buildings must be oriented so that open service bays do not face adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or obscuring wall in compliance with article VIII of this chapter.
 - (5) *Exterior appearance.* The exterior of any miniwarehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
 - (6) *Resident manager.* A resident manager may be permitted on site with the responsibility of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the provision of this chapter.
 - (7) *On-site circulation and parking.*
 - a. All one-way driveways shall be designed with one ten-foot wide loading/unloading lane and one 15-foot travel lane.
 - b. All two-way driveways shall be designed with one ten-foot wide loading/unloading lane and two 12-foot travel lanes.
 - c. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.
- (l) *Motels and hotels.* The following regulations shall apply to motels or hotels:
 - (1) *Lot area.* The minimum lot area for a motel or hotel shall be three acres.
 - (2) *Accessory facilities.* A motel or hotel 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 section 32-4, 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.

- (3) *Design.* Each unit available for rental within a motel or hotel shall contain a bath and at least one bedroom and encompass a minimum gross floor area of 300 square feet.
- (4) *Services.* A motel or hotel shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- (m) *Nursing homes, convalescent homes, rest homes, orphanages, and half-way houses.* The following regulations shall apply to nursing homes, convalescent homes, rest homes, orphanages, and half-way houses:
 - (1) *Minimum lot area.* The minimum lot area for such facilities shall be one acre.
 - (2) *Frontage and access.* Such uses shall front onto a major thoroughfare and the main means of access to the site for residents or patients, visitors, and employees shall be via the thoroughfare. In no case shall primary access to a nursing home, convalescent home, or rest home be limited to a residential street.
 - (3) *Setbacks.* The principal building and all accessory buildings shall be set back a minimum distance of 30 feet from any property lines.
 - (4) *Open space.* Any such facility shall provide a minimum of 150 square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
 - (5) *State and federal regulations.* Nursing homes, convalescent homes, rest homes, orphanages and half-way houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
- (n) *Open-air business.* The following regulations shall apply to permanent open-air businesses:
 - (1) *Minimum lot area.* The minimum lot area for open-air businesses shall be 10,000 sq. ft.
 - (2) *Driveway location.* The nearest edge of any driveway serving an open-air business shall be located at least 50 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 or alleys.
 - (6) *Outdoor display of vehicles.* The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors that are for sale, rent, or lease shall comply with the requirements in section 32-765(a).
 - (7) *Plant material nursery.* Nurseries that deal with plant materials shall comply with the following:
 - 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, wood chips, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.
- (o) *Restaurant site requirements.*
 - (1) *Access.* Points of vehicular ingress and egress shall be limited to the thoroughfares with business zoned frontage only.
 - (2) *Screening.* A restaurant with a rear or side yard abutting any noncommercial district shall provide a permanent obscuring wall, per the requirements of article X of this chapter, along the full length of each abutting property line.
 - (3) *Vehicular storage.* Parking and vehicular storage in excess of 24 consecutive hours shall be prohibited at all times on the premises, and the owner, franchisee holder or lessee shall post a sign or signs giving notice that all parked or

stored vehicles are subject to ticketing and removal at the owner's expense.

- (4) *Rubbish and debris.* Each restaurant site shall be kept free of rubbish and debris and the grass and other landscaping shall be well maintained so as to present a neat and attractive appearance at all times.
- (p) *Radio and television towers, commercial and public.* The following regulations shall apply to commercial and public radio and television towers, microwave towers, and other communication antennas/towers:
- (1) *Fencing.* An open weave, six foot high chainlink fence shall be constructed around the entire perimeter, in accordance with this chapter.
- (2) *State and federal regulations.* Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
- (q) *Recreation facilities.*
- (1) *Outdoor recreation facilities.* Outdoor recreation facilities, such as, but not limited to courses for skate boards, roller skates, off-road vehicles and snowmobiles, campgrounds, baseball facilities, and swimming pools, shall comply with the following regulations:
- a. Principal and accessory buildings shall be set back at least 20 feet from all property lines, unless otherwise specified herein.
- b. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The planning commission may specify the hours of operation in order to assure compatibility with adjacent uses.
- c. Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.
- d. All parking for outdoor recreation uses shall be provided in off-street parking lots designed in accordance with the requirements of article VI of this chapter.
- e. Lighting for outdoor recreation uses shall be shielded to the greatest extent possible from adjoining properties.
- f. Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with section 32-715(e).
- g. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.
- (2) *Indoor recreation facilities.* Indoor recreation facilities, such as, but not limited to, bowling establishments, indoor archery ranges, indoor tennis courts, indoor skating rinks, and similar indoor recreation uses shall comply with the following regulations:
- a. Indoor recreation uses shall be set back a minimum of 50 feet from any property line that abuts a residential district.
- b. 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. Indoor recreation uses shall have direct access onto a major thoroughfare.
- (r) *Religious institutions.* The following regulations shall apply to all religious institutions, including churches, synagogues, temples, and related uses:
- (1) *Minimum site area.* The minimum site area for a religious institution shall be one acre. For the purpose of determining minimum site area, all contiguous land owned by the institution and any land area separated from the principal use by a public right-of-way other than a major thoroughfare may be included. Any land area separated by a right-of-way shall be considered to be an integral part of the site plan for review and approval purposes.

- (2) *Lot width.* The minimum lot width for religious institutions shall be 150 feet.
- (3) *Parking setback.* Off-street parking shall be prohibited in the front setback area required by this chapter for the underlying zoning district. No parking shall be allowed within ten feet of any property line. Except for the front yard setback requirement in this subsection, the zoning board of appeals may allow the substitution of a wall per article VIII of this chapter in lieu of compliance with other setback requirements.
- (4) *Frontage and access.* Religious institutions shall be located on a major thoroughfare. The primary vehicular access to the site shall be provided from a major thoroughfare.
- (5) *Landscaping.* Religious institutions shall comply with the landscaping requirements set forth in section 32-716(c).
- (s) *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 article X of this chapter.
 - (2) *Automatic screw machines.* Automatic screw machines shall be equipped with noise silencers, and shall not be located closer than 200 feet from any property zoned or used for residential purposes.
 - (3) *Setbacks.* Punch and stamp presses, other than hydraulic presses shall comply with the performance standards in article X of this chapter.
 - (4) *Press brakes.* Press brakes shall be set back at least 200 feet from any property line zoned for residential use.
- (t) *Veterinary clinics.* Veterinary clinics shall comply with the following requirements:
 - (1) *Enclosure.* All activities shall be conducted within a completely enclosed building.
 - (2) *Setbacks.* All buildings shall be set back at least 50 feet from abutting land that is zoned for residential use.
 - (3) *Treatment facilities.* No veterinary clinic shall contain facilities for boarding of animals. Treatment shall be limited to domesticated animals considered as pets.
- (u) *Veterinary hospitals.* Veterinary clinics shall comply with the following requirements:
 - (1) *Enclosure.* All activities shall be conducted within a completely enclosed building.
 - (2) *Setbacks.* All buildings shall be set back at least 100 feet from abutting land that is zoned for residential use.

(Ord. of 7-16-1992, § 7.02)

Sec. 32-766. - Site development standards for residential uses.

- (a) *Accessory apartment dwelling.* An accessory apartment dwelling as defined in section 32-4, shall comply with the following regulations:
 - (1) *Incidental use to residence.* The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall apply:
 - a. Accessory apartments shall be established in owner-occupied residences only.
 - b. Only one such accessory dwelling shall be permitted on each zoning lot.
 - c. The total floor area of the accessory dwelling shall not exceed 600 square feet.
 - (2) *Setbacks and placement on the parcel.* An accessory dwelling shall comply with all setback requirements for the district in which it is located.
 - (3) *Compatibility with surrounding land use.* The design of the accessory dwelling shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory dwelling shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall not appear that more than 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 dwelling.
- (b) *Elderly housing.* The following site development standards shall apply to housing for the elderly:
- (1) *Minimum floor area.* Dwelling units within a building shall average 350 square feet in floor area (not including kitchen and sanitary facilities).
 - (2) *Lot coverage.* Total coverage of the all buildings, including dwelling units and related service buildings, shall not exceed 40 percent of the total site, exclusive of any dedicated public right-of-way.
- (c) *Mobile home park requirements.* Mobile home parks shall comply with the requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.). Further, mobile home parks shall comply with the township zoning regulations; the state mobile home commission rules and any other lawfully adopted regulations of the township. Should any conflict in regulatory provisions occur, the provision that imposes the more restrictive 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 these regulations. Emergency or temporary parking of a mobile home on any street, alley, or highway may be permitted by the building official for a period not to exceed 12 consecutive hours, subject to any other limitations imposed by traffic or parking regulations or ordinances for a particular 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 systems as commonly found in modern mobile homes. Each mobile home shall comply with the zoning 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 NFPA 501B-1974/ANSI 119.1-1975 standards.
 - (3) *Setbacks.* Mobile homes shall comply with the minimum distances specified in R125.1941, Rule 941 of the Michigan Administrative Code. 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. No mobile home unit exterior wall shall be located within 20 feet of any other mobile home unit's exterior wall surface.
 - (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 Public Act No. 96 of 1987 (MCL 125.2301 et seq.). The building official shall communicate recommendations regarding the issuance of any such license to the director of the state department of labor and economic growth.
 - (5) *Violations.* Whenever, upon inspection of any mobile home park, the building official finds that conditions or practices exist that violate provisions of these zoning regulations or other regulations referenced herein, the building official shall give notice in writing by certified mail to the director of the state mobile home commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to comply with this chapter 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 any delegated individual, is granted the authority, as specified in Public Act No. 96 of 1987 (MCL 125.2301 et seq.), to enter upon the premises of any mobile home park for the purpose of determining compliance with the provisions of these or other applicable township regulations.
 - (7) *Park site development standards.*
 - a. *Park area.* A mobile home parks shall be at least ten contiguous acres in size.
 - b. *Access.* All mobile home parks shall have direct access to a major thoroughfare.
 - c. *Interior roadways.* 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. All interior roadways shall comply with R125.1920, Rule 920 of the Michigan Administrative Code.

- 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. 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, although shade or street trees may be planted in the area.
 - e. *Water and sewer service.* All mobile home parks shall be connected to the township water supply system and township sanitary sewer system and shall meet the requirements of the county health department and the state department of natural resources and environment. Water shall be continuously supplied to each mobile home lot with a minimum available pressure of 20 psi. 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 township, county, and state regulations and shall be subject to review and approval by the building official.
 - g. *Telephone and electric service.* All electric, telephone, and other lines within the park shall be underground.
 - h. *Television antennas; satellite dishes.* Individual exterior television antennas or satellite dishes shall not be placed on any mobile home unit or lot. The mobile home park may provide a master exterior television antenna or dish for connection to individual mobile home units, 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 R125.1604, Rule 604 of the Michigan Administrative Code.
- (9) *Canopies and awnings.* Canopies and awnings may be attached to any mobile home, provided they are in compliance with R125.1941, Rule 941(1)(b)(ii) of the Michigan Administrative Code, and provided further that they shall not exceed 12 feet in width or exceed the length or the height of the mobile home. 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 article VII of this chapter.
- (11) *Open space.* Each mobile home park shall provide a minimum of 15,000 square feet of open space area. The open space area 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 parking area surrounded by an obscuring wall, in accordance with article VIII of this chapter, 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. 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 and maintained in accordance with the provisions of this chapter and other township regulations.

(Ord. of 7-16-1992, § 7.03)

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 office and sales operations are permitted where such activities are clearly incidental to the principal industrial use. 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 30 percent of total floor area or 1,000 square feet, whichever is less.
 - c. *Percent of gross value.* The gross value of the retail sales shall not exceed 30 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 by the building official 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 that in total, they represent less than 50 percent of the on-site retail sales.
 - e. *Compatibility of traffic.* The type 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 32-477, off-street parking shall be subject to the location 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.* All industrial activity shall occur within a defined area and shall occupy no more than 30 percent of total building floor area or 1,000 square feet, whichever is less.
 - e. *Compatibility of traffic.* The type 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 entirely within an enclosed building. There shall be no outside storage, except as specifically permitted in the district in which the use is located.

(Ord. of 7-16-1992, § 7.04)

Sec. 32-768. - Regulated uses.

- (a) *Scope of regulations.* In the development and execution of this chapter, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when

several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area; i.e., not more than two such regulated uses within 1,000 feet of each other, regardless of community boundaries.

- (b) *Types of regulated uses.* The establishment of the following kinds of uses is prohibited if the establishment of any one of the following uses constitutes the third such use within a 1,000-foot radius, regardless of community boundaries:
- (1) Adult book or supply store.
 - (2) Adult model studio.
 - (3) Adult motion picture arcade.
 - (4) Adult motion picture theater or adult live stage performing theater.
 - (5) Adult outdoor motion picture theater.
 - (6) Adult physical cultural establishment.
 - (7) Arcade.
 - (8) Bar/lounge/tavern.
 - (9) Boardinghouse or roominghouse.
 - (10) Cabaret.
 - (11) Hotel or motel.
 - (12) Massage parlor or massage establishment.
 - (13) Pawn shop or collateral loan or exchange establishments.
 - (14) Pool or billiard hall.
 - (15) Public lodginghouse.
 - (16) Secondhand stores.
 - (17) Specially designated distributor's establishment.
 - (18) Specially designated merchant's establishment.
- (c) *Application procedure.* Application to establish any of the above regulated uses shall be made to the building official. The application shall be processed according to the requirements in this chapter for special land uses. However, if there are already in existence two or more such regulated uses within a radius of 1,000 feet of the outermost boundaries of the parcel, lot, or zoning lot upon which the proposed regulated use will be situated, the application shall be denied by the building official and shall not be processed for special land use approval until a waiver is received by the applicant to location provisions of this chapter.
- (d) *Requirements.* All regulated uses shall conform to the following requirements:
- (1) *Zoning district.* A regulated use shall be allowed as a special land use only in the zoning districts as stated in the schedule of regulations set forth in section 32-599.
 - (2) *Establishment prohibited.* Regulated uses are prohibited and no location waiver may be granted to establish a regulated use within the following areas:
 - a. No regulated use shall be established within 200 feet of any property zoned for residential use.
 - b. No regulated use shall be established within 500 feet of any public or private school, day care center, nursery, or church, synagogue, or similar place of worship.
 - (3) *Layout.* The site layout and its relationship to streets providing access to the site shall be in manner that vehicular and pedestrian traffic to and from such use, and the potential assembly of persons in connection therewith, will not be hazardous, endangering, or inconvenient to the existing neighborhood.

- (4) *Nuisance prohibited.* The proposed use shall not reasonably be expected to cause a public nuisance, and/or otherwise do harm to the public health, safety, and general welfare.
- (5) *Property values.* The proposed use shall not reasonably be expected to diminish the value of properties in the immediate area.
- (6) *Discontinuance.* A regulated use granted pursuant to the terms and conditions of this chapter may not be re-established after discontinuance for a period of 90 calendar days without a new grant of approval by the township.
- (e) *Waivers.* Upon denial of any application for a regulated use by the building official under section 32-768(c), an applicant may appeal to the board of zoning appeals for a waiver of the location provisions of this section. The board may waive the location provisions, except for those stated in section 32-768(d), if all of the following findings are made by the board:
 - (1) *Compliance with regulations.* That the proposed use will not be contrary to any other provision of this chapter;
 - (2) *Not enlarge district.* That the proposed use will not enlarge or encourage the development of a skid row or strip of regulated uses stated in this section nor be injurious to the value of properties in the immediate area;
 - (3) *Consistent with programs.* That the establishment of the additional regulated use will not be contrary to, or interfere with, any program of urban renewal, neighborhood development or redevelopment; and
 - (4) *Consistent with law.* That all applicable township, state, or federal laws and regulations will be observed.
- (f) *Procedure for waiver.* Not less than 15 days before the request for waiver is considered by the zoning board of appeals or the holding of a public hearing pursuant to this section, the township clerk shall publish, in a newspaper of general circulation in the township, one notice indicating that an application to request for a waiver to establish a regulated use has been received by the township.
 - (1) *Persons to be sent notice.* The township clerk shall send by mail or by personal delivery a copy of that notice to the following:
 - a. The applicant;
 - b. The owners of the property for which waivers are being considered;
 - c. All persons to whom any real property is assessed within 300 feet of the boundary of the premises in question; and
 - d. To the occupants of all structures located within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification to give notice of the consideration or public hearing in accordance with division 12 of this article.
 - (2) *Notification to manager.* If a structure contains two or more dwellings or spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each dwelling unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, with a request to post the notice at the primary entrance to the structure.
 - (3) *Notice contents.* In addition to the content required by division 12 of this article, the notice shall do all of the following:
 - a. Inform the recipient of the applicant's name;
 - b. Describe the nature and type of use proposed;
 - c. Indicate the local address of the property for which waivers are being considered;
 - d. Indicate the lot number and subdivision name of the property in question;
 - e. Provide the section of this chapter under which the proposal is being processed; and
 - f. State when and where the request will be considered.

This notice shall also invite written comments, statements, or opinions, and indicate the place and date upon which written comments concerning the proposed use must be received.

- (4) *Hearing requests.* The notice shall further indicate that a public hearing on the proposed regulated use may be requested by the property owner or occupant, no less than 18 years of age, of a structure located within 300 feet of the boundary of the property being considered for the regulated use.
- (5) *Hearing notification.* If a public hearing is requested by any individual, notice of the hearing shall be provided in the manner as the notification of application. At a scheduled hearing, any interested person may be represented by a person, firm, organization, partnership, corporation, board or bureau. The zoning board of appeals shall consider all public comments regarding the location standards stated in this section prior to action upon a waiver request.
- (6) *Zoning board of appeals determination.* The zoning board of appeals shall review the application for a waiver, together with the public hearing findings, if applicable and reports and recommendations from appropriate township departments and consultants. The zoning board of appeals shall then make a determination on the waiver request based on the requirements and standards in this section. The zoning board of appeals may approve, approve with conditions, or deny a waiver as follows:
- a. *Approval.* Upon determination by the zoning board of appeals that the request for a waiver is in compliance with the intent of this section, the standards and requirements of this chapter, and complies with other applicable ordinances and laws, approval of the waiver shall be granted, subject to the site plan review and other procedures stated in this chapter.
 - b. *Approval with conditions.* The zoning board of appeals may impose reasonable conditions with the approval of a waiver, including but not limited to: location, construction, maintenance, or operation of the regulated use as, in its judgment, may be necessary for the protection of the public interest. Evidence, bond, or other performance guarantee may be required as proof that the conditions stipulated in connection these conditions are followed.
 - c. *Denial.* Upon determination by the zoning board of appeals that a waiver does not comply with the intent of this section, the standards and requirements of this chapter, with other applicable ordinances and laws, or would otherwise be injurious to the public health, safety, welfare, and orderly development of the township, the waiver shall be denied.

(Ord. of 7-16-1992, § 7.05; Ord. of 3-11-2010, § 7.05)

Secs. 32-769—32-789. - Reserved.

ARTICLE X. - PERFORMANCE STANDARDS

Sec. 32-790. - 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 property, or that might cause harm to the public health, safety, and welfare.
- (b) *Scope of application.* After the effective date of this chapter, 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 the this chapter will be upheld.

(Ord. of 7-16-1992, § 8.01)

Sec. 32-791. - Performance standards.

(a) *Generally.* 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.

(b) *Noise and vibration.*

(1) *Definitions.* The terms used in this section (b) shall have the meaning ascribed to them in this subsection. Terms used in this section but not defined in this subsection or in section 32-4 shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

Day-night average sound level means the 24-hour energy average of the A-weighted sound pressure level with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by 10 dB(A) before averaging.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

Impulsive sound means 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.

Noise disturbance means any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

Noise sensitive zone means an area which contains noise sensitive activities, such as but not limited to, operations of schools, libraries, churches, hospitals, and nursing homes.

Pure tone means any sound which can be distinctly heard as a single pitch or a set of single pitches.

Sound means 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.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network (for the purposes of this article an A-weighted network), as specified by the American National Standards Institute.

Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

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.

(2) *Prohibited acts.*

- a. *Noise disturbances prohibited.* No person shall make, continue, or cause to be made or continued, any 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 shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.
- c. *Construction.* Operation of any tools or equipment used in construction, drilling, or demolition work shall be

prohibited between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential district boundary or within a noise sensitive zone, except for emergency work of public service utilities.

- d. *Vibration.* Operating any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited.
- e. *Noise sensitive zones.* Creating any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, 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 the emission of sound:
 - 1. For the purpose of alerting persons to existence of an emergency; or
 - 2. 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:
 - 1. Snow plowing, street sweeping, and other public works activities.
 - 2. Church bells, chimes, and carillons.
 - 3. Lawn care and house maintenance that occurs between 9:00 a.m. and 9:00 p.m.

- (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 noise from the equipment on the overall noise level in the area. The statement shall include a study of the background noise levels, predicted level on noise 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.* No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving zoning district in the following table when measured at or within the property boundary of the receiving district:

Maximum Permitted Average A-Weighted Sound Levels		
Receiving zoning district	Time	Average Sound Level (dB(A))
Residential	7:00 a.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
Commercial, not noise sensitive	Day/night	65

Commercial, noise sensitive	Day/night	55
Industrial	Day/night	70

Notes:

a. *Correction for tonal sounds.* For any source of sound which emits a pure tone sound, the maximum sound level limits in the table in this subsection shall be reduced by five dB(A) where the receiving district is residential or commercial-noise sensitive.

b. *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 the table in this subsection shall be reduced by five dB(A) where the receiving district is residential or commercial-noise sensitive.

c. *Planned development.* Where the receiving district is a planned development district, the applicable standard in the table in this subsection shall be based on the most noise sensitive use within the planned development.

(c) *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 comply with the sound/noise standards set forth in this section at all times of full-scale operation of such activities.

(1) *Dust, smoke, soot, dirt, and products of wind erosion.* Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with Part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.), or other applicable state or federal regulations. No person 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. 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.

(2) *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.

(3) *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.

(d) *Fire and safety hazards.*

(1) *General requirements.* The storage and handling of flammable or combustible liquids or gases, and explosives shall comply with all applicable federal, state, county and local regulations. All underground storage tanks shall be registered with the state department of natural resources and environment, in accordance with Part 211 of Public Act

No. 451 of 1994 (MCL 324.21101 et seq.). The location and contents of all such tanks shall be indicated on the site plan.

(2) *Detonable materials storage, etc.* The storage, utilization, or manufacture of detonable materials shall be permitted subject to approval by the fire chief and the following restrictions:

Proposed Activity	Restrictions
Storage, utilization or manufacture of 5 lbs. or less	Permitted accessory use in M-1 district
Storage or utilization of over 5 lbs.	Special land use in M-1 district
Manufacture of over 5 lbs.	Not permitted

(3) *Detonable materials.* Detonable materials covered by the following 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. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
- f. Strong unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than 35 percent.
- g. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

(4) *Liquefied petroleum gas.* The storage or utilization of liquefied petroleum gas shall be permitted subject to approval by the fire chief and the following restrictions:

Proposed Activity	Restrictions
Storage, utilization of 80 lbs. or less	Permitted accessory use in all districts
Storage, utilization of more than 80 lbs.	Permitted in M-1 district

- a. *Sewage wastes and water pollution.* Sewage disposal (including septic systems) and water pollution shall be subject to the applicable standards and regulations established by Federal, state, county and local regulatory agencies, including the state department of community health, the state department of natural resources and environment, the county health department, the City of Detroit Water and Sewage Department and the U. S. Environmental Protection Agency.

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- b. *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 Part 55

of Public Act No. 451 of 1994 (MCL 324.5501 et seq.), 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:

Standards For Gaseous Emissions		
Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hour
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.00 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

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- c. *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.
- d. *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.

Sec. 32-792. - 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:

- (1) *Official investigation.* Upon receipt of evidence of possible violation, the building official shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The building official may initiate an official investigation in order to make such a determination. 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 along with any evidence deemed necessary to make an objective determination regarding the possible violation within a time period specified by the building official, but in every case a reply must be forthcoming within three calendar days from the receipt of notice. Failure of the owner or operator to supply requested data within the stated time period shall be considered an admission of violation and provide prima facie evidence of grounds for taking any action, including legal action, to terminate the use and/or deny or cancel any permits or licenses 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, including but not limited to, heat, sound, and glare, purported to be in violation.
 - e. Copies of studies, reports, specifications, and any other compilation of available data, including, but not limited to, RCRA filings.
- (2) *Method and cost of determination.* The building official shall take measurements, or cause measurements to be taken by a competent contractor, and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the building official using equipment and personnel normally available to the township without extraordinary expense, such measurements and investigation may be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured in order to make the required 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 allowable. 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. If it is determined that no substantive violation exists, then the costs of this determination shall be paid by the township.
- (3) *Appropriate remedies.* If, after appropriate investigation, the building official determines that a violation does exist, the building official shall take such lawful action as provided by this chapter or any state or federal regulation to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The building official shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:
 - a. *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 shall note "Violation Corrected" on the township's copy of the notice, and the notice shall be retained on file. If necessary, the building official may take any other action as may be warranted by the circumstances of the case, pursuant to this chapter and any other applicable regulation.
 - b. *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, and the alleged violation is not corrected in accordance with the regulations set

forth in this article, then the building official shall take any action reasonably calculated to correct or abate the violation.

- c. *Reply requesting extension of time.* If the alleged violator responds to the township within the specified time limit of the original notice and requests an extension of time, the building official shall review the information submitted with the reply. Upon finding that an extension is warranted because of unique circumstances and that an extension will not cause imminent peril to life, health, or property, the building official may extend the specified time limit to a date certain, if the building official concurs that:
1. The information requested pursuant to subsection (1) of this section is impractical to readily produce;
 2. An extreme hardship exists; or
 3. The reply indicates that an alleged violation shall be corrected or abated by the date certain and that all future operations shall comply with the regulations as set forth herein.
- d. *Reply requesting technical determination.* 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 properly qualified experts to complete such analysis and confirm or refute the initial determination of violation. If expert findings indicate that violations of the performance standards exist or did exist at the specified time, all costs incurred by the township 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 chapter or other applicable regulations. Such costs shall be billed directly to the 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 appropriate action to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, cost of determination shall be borne by the township.
- (4) *Continued violation.* If, after the conclusion of the time period granted for compliance, the building official finds that the violation continues to exist, any permits previously issued shall be void and the township may initiate appropriate legal action, including possible pursuit of remedies in circuit court.

(Ord. of 7-16-1992, § 8.03)

Secs. 32-793—32-822. - Reserved.

ARTICLE XI. - SIGNS

Sec. 32-823. - Definitions.

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

Accessory sign means a sign that pertains to the use of the premises on which it is located.

Animated sign means a sign that uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Area means the area of a sign as computed per section 32-831(d).

Awning sign means a sign that is painted on, printed on, or attached flat against the surface of an awning or canopy.

Banner sign means a sign made of fabric, cloth, paper, or other nonrigid material that is typically not enclosed in a frame.

Billboards. See *Off-premises advertising sign*.

Bulletin board means a type of "changeable copy" sign that displays the name of an institution, school, library, community center, fraternal lodge, park or other recreational facility, and may display announcements of services and activities.

Canopy sign. See *Awning sign*.

Changeable copy sign (automatic) means a sign on which the message changes automatically (for example, electronic or electric time and temperature signs).

Changeable copy sign (manual) means a sign on which the message is changed manually (for example, by physically replacing the letters).

Community bulletin board means a type of "changeable copy" sign that displays the name of a governmental unit, school, library, community center, park or other recreational facility, contains no commercial advertisements, and displays announcements of services and activities of general interest within the township.

Community special event sign means a sign and/or banner, including related decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal or school activities.

Construction sign means a temporary sign identifying the designer, contractors and sub-contractors, and material suppliers participating in construction on the property on which the sign is located.

Directional sign means a sign that is intended to direct the flow of vehicular and pedestrian traffic.

Festoon means a string or grouping of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flashing sign means a sign that contains an intermittent or sequential flashing light source.

Freestanding sign means a sign that is erected upon or supported by the ground, including "pole signs" and "ground signs."

Gasoline price sign means a sign that is exclusively used to communicate the price of gasoline. If a brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

Ground sign means a three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two or more sides extending up from the base, and upon which a message is painted or posted. The term "ground sign" may include a base-mounted cylindrical structure upon which a message is painted or posted.

Illegal sign means any sign that does not meet the requirements of this chapter and does not qualify for nonconforming status.

Incidental sign means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. The term "incidental signs" include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Mansard means a sloped roof or roof-like facade. A sign mounted on the face of a mansard roof shall be considered a wall sign.

Marquee means a permanent roof-like structure or canopy, supported by and extending from the face of the building.

Marquee sign means a sign attached to or supported by a marquee structure.

Moving sign means a sign in which the sign itself or any portion of the sign moves or revolves. The term "moving sign" includes a rotating sign. Such motion does not refer to the method of changing the message on the sign.

Mural means a design or representation that is painted or drawn on the exterior surface of a structure and does not advertise a business; product, service, or activity.

Nameplate means a nonelectric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon sign. See *Outline tubing sign*.

Nonconforming sign means:

- (1) A sign that is prohibited under the terms of this chapter, but was erected lawfully and was in use on the date of enactment of this chapter, or amendment thereto.
- (2) A sign that does not conform to the requirements of this chapter, but for which a variance has been granted by the township zoning board of appeals.

Nonresidential zoning district means an area of the township designated by this chapter for a land use other than single-family, two-family, or multiple-family.

Obsolete sign means a sign that advertises a product that is no longer made or that advertises a business no longer in operation.

Off-premises advertising sign means a sign that contains a message unrelated to a business or profession conducted or a message related to a commodity, service, or activity sold or offered upon the premises where such sign is located. The term "off-premises advertising sign" includes a billboard.

On-premises advertising sign means a sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.

Outline tubing sign means a sign consisting of glass tubing, filled with a gas such as neon, that glows when electric current is sent through it.

Parapet means the extension of a false front or wall above a roofline. Any sign mounted on the face of a parapet shall be considered a wall sign.

Pole sign means a type of freestanding sign that is elevated above the ground on poles or braces.

Political sign means a temporary sign relating matters subject to a vote in a local, state, or national election or referendum.

Portable sign means a sign designed to be moved easily and not permanently affixed to the ground or to a structure.

Poster pane sign means a type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.

Projecting sign means a sign, other than a flat wall sign, that projects more than 12 inches from the face of the building or structure upon which it is located. A projecting roof sign is one that projects beyond the face or exterior wall surface of the building upon which the roof sign is mounted.

Public sign means a sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of a public sign include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Real estate development sign means a sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) that is under construction on the parcel on which the sign is located.

Real estate sign means a temporary sign that makes it known that real estate upon which the sign is located is for sale, lease, or rent.

Residential entryway sign means a sign that marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

Residential zoning district means an area of the township designated by this chapter for single-family, two-family or multiple-family land use.

Roof sign means any sign that extends above the roofline or is erected over the surface of the roof.

Roofline means the top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Rotating sign. See *Moving sign.*

Sign means any device, structure, fixture, or placard that uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the term "sign" includes interior and exterior signs that are visible from any public street, sidewalk, alley, park, or public property but not signs that are primarily directed at persons within the premises upon which the sign is located.

Stock market quote sign means a sign that displays a quote, in part or in total, of value of a stock or stocks as offered by an established financial trading market.

Temporary sign means a sign not constructed or intended for long term use. Examples of temporary signs include signs that announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time.

Time and temperature sign means a sign that display the current time and/or temperature.

Vehicle sign means a sign painted or mounted on the side of a vehicle, including a sign on the face of a truck trailer.

Wall sign means a sign attached parallel to and extending not more than 12 inches from the wall of a building. Painted signs, signs that consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. A permanent sign that is not affixed directly to a window or is positioned next to a window so that it is visible from the outside, shall also be considered a wall sign.

Window sign means a sign located in or on a window that is intended to be viewed from the outside. A permanent window sign, not affixed directly to a window or positioned next to a window in a manner that is visible from the outside, shall be considered wall sign.

(Ord. of 7-16-1992, § 21.03)

Sec. 32-824. - Purpose.

This article permits signs and other displays that are needed for the purposes of identification or advertising, subject to certain standards. It is the intent of these regulations to meet the following objectives:

- (1) By reason of their area, dimensions, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
- (2) Signs should enhance the aesthetic appeal of the township. Thus, these regulations are intended to:
 - a. Regulate the area and dimensions of signs to prevent the installation of signs that are out-of-scale with surrounding buildings and structures; and
 - b. Prevent an excessive accumulation of signs that cause visual clutter and distraction.
- (3) Signs should not detract from neighborhood character nor diminish the value of surrounding properties.

(Ord. of 7-16-1992, § 21.01)

Sec. 32-825. - Scope of requirements.

It shall be unlawful for any person to erect, construct, or alter any sign in the township except in conformance with the provisions of this article and subject to the issuance of a permit by the township building official, unless a permit is exempted by section 32-830(a).

(Ord. of 7-16-1992, § 21.02)

Sec. 32-826. - Permit process.

- (a) *Permit required.* It shall be unlawful for any person to erect, alter, relocate, or structurally change a sign or other advertising structure, unless specifically exempted by this article, without first obtaining a permit in accordance with the provisions set forth herein. No permit shall issued by any township official prior to the payment of the appropriate fee as established by resolution of the township board.
- (b) *Applications.* Application for a sign permit shall be made upon forms provided by the building official. The following information shall be required:
- (1) Name, address, and telephone number of the applicant.
 - (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
 - (3) Position of the sign in relation to nearby buildings, structures, and property lines.
 - (4) Plans showing the dimensions, materials, method of construction, and attachment to the building or in the ground.
 - (5) Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
 - (6) Name and address of the person owning, erecting, and maintaining the sign.
 - (7) Schematic of electrical connections.
 - (8) Insurance policy or bond, as required in this chapter.
 - (9) Written consent of the owner or lessee of the premises upon which the sign is to be erected.
 - (10) Other information as may be required by the building official to make the determination that the sign is in compliance with all applicable laws and regulations.
- (c) *Review of application.*
- (1) *Planning commission review.* Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the planning commission as a part of the required site plan review. All proposed signs must be shown on the site plan.
 - (2) *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 or a site plan review is not required by this chapter.
 - (3) *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 have the authority to issue a sign permit.
- (d) *Exceptions.* An existing sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required for certain exempt signs listed in section 32-830(a).

(Ord. of 7-16-1992, § 21.04)

Sec. 32-827. - Inspection and maintenance.

- (a) *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 standards of township ordinances and codes. In cases where fastenings or anchorages are to be covered by brick or otherwise enclosed, the sign erector shall advise the building official when such fastenings are to be installed, so that inspection may be completed before enclosure.
- (b) *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 adequately supported, painted to prevent corrosion, and sufficiently secured or supported as to safely bear the weight of the sign and pressure created by the wind.

- (c) *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 reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the building official.
- (d) *Removal of obsolete signs.* Any sign that no longer identifies a business that is in operation, or that identifies an activity or event that has already occurred, shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business. However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition and a safe manner.

(Ord. of 7-16-1992, § 21.05)

Sec. 32-828. - Alteration or reconstruction of nonconforming signs.

Any nonconforming sign shall be renovated, reconstructed or altered in any manner in full compliance with adopted township ordinances and codes, except that nonconforming signs must comply with the following regulations:

- (1) *Repairs and maintenance.* Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than 50 percent of the sign's precatastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices.
- (2) *Nonconforming changeable copy signs.* The message on a nonconforming changeable copy sign may be changed provided that the change does not create any greater nonconformity to this chapter.
- (3) *Substitution.* A nonconforming sign shall not be replaced with another nonconforming sign.
- (4) *Modifications to the principal building.* Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval by the township is required, any nonconforming sign shall comply with this chapter or be removed.

(Ord. of 7-16-1992, § 21.06)

Sec. 32-829. - Appeal to zoning board of 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 this chapter. In determining whether a variance for a sign is appropriate, the zoning board of appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed in subsections (1) through (7) of this section, that would cause practical difficulty in complying with the sign standards. The presence of any one of the circumstances listed may be sufficient to justify granting a variance; however, the zoning board of appeals has the discretion to decline the grant of a variance even if certain of the circumstances is present.

- (1) A sign complying with this chapter can not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
- (2) A sign complying with this chapter can not be seen by passing motorists in sufficient time to permit safe deceleration. The zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits in determining whether such circumstances exist.

- (3) Existing signs on adjacent or nearby parcels would substantially reduce the visibility of a conforming sign on the subject parcel.
- (4) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to:
 - a. Removal of trees, alteration of the natural topography; or
 - b. Obstruction of a drainage course.
- (5) Construction of a conforming sign would obstruct the vision of motorists or pedestrians or otherwise endanger the health, safety or welfare of passersby.
- (6) A variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect of approval is a significant improvement in appearance of the site, compared to the result that would be otherwise achieved with construction of a conforming sign.
- (7) A sign that exceeds the permitted height or area standards of this article would be more appropriate for the scale of related site improvements because of the large area or extended frontage of the parcel or building.

(Ord. of 7-16-1992, § 21.07)

Sec. 32-830. - General provisions.

- (a) *Exempt signs.* The following signs shall be exempt from the requirement for a permit, however, these signs shall be subject to all other applicable provisions of this chapter:
 - (1) Address numbers with a numeral height no greater than six inches for residences and 18 inches for businesses.
 - (2) Nameplates identifying the occupants of the building, not to exceed a total of two square feet per building.
 - (3) Memorial signs or tablets not to exceed two square feet.
 - (4) Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
 - (5) Public signs, including the authorized signs of a government body or public utility, including community bulletin boards, traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
 - (6) Flags bearing the official design or insignia of a nation, state, county, municipality, educational institution, or noncommercial organization.
 - (7) Incidental signs, provided that total of all such signs shall not exceed two square feet.
 - (8) Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
 - (9) One private parking lot or driveway identification sign, not to exceed three square feet per sign and six feet in height.
 - (10) Permanent signs on vending machines, gas pumps, or ice dispensers limited to information on the contents of such devices, provided that the sign area of each device shall not exceed six square feet.
 - (11) Portable real estate "open house" signs with an area no greater than four square feet.
 - (12) "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall not exceed six square feet.
 - (13) A sign that is located completely within an enclosed building and is not visible from outside the building.
 - (14) Plaques or signs designating a building as a historic structure approved by a local or state body authorized to place such signs by law, not to exceed a total of six square feet.
 - (15) "No Trespassing," "No Soliciting," and "No Dumping" signs not to exceed a total of three square feet per site.
 - (16) A sign used to direct vehicular or pedestrian traffic to parking areas, loading areas, or to certain buildings or locations

on the site, subject to the following conditions:

- a. Directional signs shall not contain a logo or any other form of direct or indirect advertising.
- b. Directional signs shall not exceed four square feet in area, or four feet in height.
- c. Directional signs may be located in the front setback area, provided they are setback a minimum of three feet from the existing or planned right-of-way line of street or edge of the pavement of a private drive.

(b) *Prohibited signs.* The following signs are strictly prohibited in any zoning district within the township:

- (1) A sign not expressly permitted by this chapter.
- (2) A sign that incorporates flashing or moving lights; however, time and temperature or stock market quote signs shall be permitted following site plan review.
- (3) Banners, pennants, festoons, spinners, and streamers, unless specifically permitted elsewhere in this chapter.
- (4) String lights used for commercial purposes, other than use as temporary holiday decorations.
- (5) Any sign erected on a tree or utility pole, except signs of a unit of government or utility.
- (6) Obsolete signs, as specified in section 32-827(d).
- (7) A sign that has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.
- (8) Any sign or sign structure that:
 - a. Is structurally unsafe;
 - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c. Is capable of causing electric shock to person who come in contact with it; or
 - d. Is not in good repair, such that it has broken parts, missing letters, or nonoperational lights.
- (9) Portable signs, unless expressly permitted in this chapter.
- (10) A sign that is affixed to a parked vehicle or trailer that causes the vehicle or trailer to be used principally for advertising purposes, rather than for transportation purposes.
- (11) A sign that obstructs free access to or egress from a required door, window, fire escape, or other required exit.
- (12) A sign that makes use of the words "Stop," "Look" or "Danger," or any other similar words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- (13) A sign containing obscene, indecent, illegal, or immoral matter.
- (14) A sign installed, erected, or maintained in a manner not consistent with this chapter.
- (15) A roof sign.
- (16) A projecting sign.
- (17) A sandwich sign.
- (18) Any sign on street furniture, such as benches and trash receptacles.
- (19) Real estate signs that are no longer valid due to the sale, rental, lease, or abandonment of the property.

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(c) *Temporary signs.* Temporary signs shall be permitted as specified in the following table:

Type of Sign	District Permitted	Type of Sign Permitted	Maximum Area	Maximum Height	Maximum Number	Permit Required	Required Setback	Permitted Duration

Construction Sign	All	Ground or wall	64 sq. ft.	15 ft.	1	Yes	(a)	From Issuance of building permit to issuance of certificate of occupancy
Real estate sign, sale or lease of individual home or residential lot	Residential	Portable ground	6 sq. ft.	6 ft.	1 (b)	No	(a)	Remove within 30 days of sale or lease
Real estate sign, sale or lease of individual business or vacant lot	Nonresidential	Portable ground or wall	16 sq. ft.	10 ft.	1 (b)	No	(a)	Remove within 30 days of sale or lease
Real estate sign, sale or lease of unplatted vacant land	All	Portable ground	64 sq. ft.	10 ft.	1 (b)	Yes	(a)	Remove within 30 days of sale or lease
Real estate development sign	All	Portable ground	64 sq. ft.	10 ft.	1 (c)	Yes	(a)	Remove within 30 days after all units or lots are sold
Grand opening sign	Nonresidential	Ground or wall	16 sq. ft.	10 ft.	1	No	(a)	60 days

Garage sale sign	Residential	Ground or wall	2 sq. ft.	5 ft.	2	No	(d)	4 consecutive days
Community special event sign	All	(e)	(e)	(e)	(e)	Yes	(a)	Duration of the event
Political sign	All	Ground or wall	16 sq. ft.	10 ft.	2	No	(d)	Remove within 7 days after election
Temporary window sign	Nonresidential	Paper or fabric	(f)	(f)	(f)	No	—	Maximum display period: 30 days (g)

Notes:

- (a) The temporary sign shall comply with the setback requirements for the district in which it is located.
- (b) On a corner parcel two signs, one facing each street, shall be permitted.
- (c) One sign shall be permitted for each frontage on a secondary or major thoroughfare.
- (d) The temporary sign may be located in the required setback area, but shall not be located within the road right-of-way.
- (e) Community special event signs may include ground or wall signs, banners, pennants, or similar displays; the number, area and height of such signs shall be subject to planning commission approval.
- (f) The total of all window signs, temporary and permanent, shall not exceed one-third of the total window area. The area of permanent window signs shall also be counted in determining compliance with standards for total area of wall signs.
- (g) Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

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- (d) *Off-premises advertising signs.* Freestanding advertising signs located at other than the location at which the activity is conducted shall be permitted in the M-1 and M-2 zoning districts of the township according to the adopted township zoning map and subject to the following provisions:
- (1) *Maximum area.* No such sign shall exceed 300 square feet in area per sign face.
 - (2) *Maximum height.* The maximum height for such signs shall be 25 feet.
 - (3) *Setbacks.*
 - a. Off-premises advertising signs shall comply with all setback requirements for a structure in the zoning district in which they are located.
 - b. No part of any such sign shall be located closer than 300 feet to any park, school, church, hospital, cemetery, or

government building.

(4) *Distance from other signs.*

- a. There shall be a minimum of 1,500 feet between off-premises advertising signs.
- b. There shall be a minimum of 100 feet between any off-premises advertising sign and any other on-premises sign.

(5) *Location.* Off-premises advertising signs shall not be located on or over the roofs of buildings, nor shall they project over any public easement or right-of-way.

(e) *Church signs.* Church signs shall be permitted subject to the same standards as other signs in the district in which the church is located.

(1) Churches in residential districts may erect signs for identification purposes for:

- a. Identifying the church or church affiliated school;
- b. Identifying the parsonage, rectory, or convent;
- c. Identifying any other related facility;
- d. Advertising the time or subject of church services;
- e. Presenting other related information.

(2) Such signs shall be subject to the following standards:

- a. *Number.* There shall be no more than one sign per site, except on a corner parcel, two signs, one facing each street shall be permitted. One additional sign shall be permitted for each school, parsonage, or other related facility.
- b. *Area.* The maximum area of each such sign shall be 32 square feet.
- c. *Location.* Signs shall comply with the setback requirements for the district in which they are located.
- d. *Height.* The maximum height of church signs shall be eight feet.

(Ord. of 7-16-1992, § 21.08)

Sec. 32-831. - Sign design standards.

(a) *Construction standards.*

- (1) *General requirements.* All signs shall be designed and constructed in a safe and stable manner in accordance with the state construction code. All electrical wiring associated, with a freestanding sign shall be installed underground.
- (2) *State construction code.* All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the state construction code.
- (3) *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 so as 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.
- (2) *Nonglare, shielded lighting.* Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
- (3) *Traffic hazards.* Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- (4) *Bare bulb illumination.* Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on changeable copy signs and theater marquees.

(c) *Location.*

- (1) *Within a public right-of-way.* No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.
 - (2) *Compliance with setback requirements.* All signs shall comply with the minimum setback requirements for buildings or structures in the zoning district in which they are located as stated in division 12 of this article, except as otherwise permitted herein.
- (d) *Measurement.*
- (1) *Sign area.* The area of sign shall be computed as follows:
 - a. *General requirements.* Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.
 - b. *Individual letters.* Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
 - c. *Freestanding sign.* The area of a double-faced freestanding sign shall be computed using only one face of the sign provided that:
 1. The outline and dimensions of both faces are identical; and
 2. The faces are back-to-back so that only one face is visible at any given time.
 - d. *Ground sign.* The area of a ground sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. In the case of a multifaced ground sign, the area of the sign shall be computed using only one face of the sign.
 - e. *Cylindrical sign.* The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.
 - (2) *Setback and distance measurements.* The following guidelines shall be used to determine compliance with setback and distance measurements.
 - a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
 - b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.
 - c. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building.

(Ord. of 7-16-1992, § 21.09)

Sec. 32-832. - Residential district signs.

The following signs shall be permitted in R-1A, R-1B and R-M zoning districts, (see generalized schedule of sign standards included within this article):

- (1) *Nameplate and street address.* A nameplate sign and street address shall be permitted in accordance with section 32-830(a).
- (2) *Real estate signs.* Real estate signs shall be permitted in accordance with section 32-830(c).
- (3) *Garage sale signs.* Garage sale signs shall be permitted in accordance with section 32-830(c).
- (4) *Church signs.* Church signs shall be permitted in accordance with section 32-830(e).
- (5) *Residential entryway signs.* Permanent residential entryway signs shall be permitted in accordance with the following requirements:
 - a. The sign area shall not exceed 50 percent of the entryway structure.
 - b. There shall be no more than one such sign located at each entrance to a subdivision or development.

- (6) *Signs for nonconforming uses.* Each nonresidential use in an R-1A, R-1B, or R-M zoning district that constitutes a nonconforming land use as defined in this chapter shall be permitted one wall-mounted sign, subject to the following requirements:
- a. The maximum area for such a sign shall be two square feet.
 - b. No such sign shall be illuminated.

Generalized Schedule of Sign Standards for Residential Land Uses*		
Type of Sign	Number	Area
Nameplate	1	2 sq. ft.
Street address (height)	1	6 in.
Church	1 ^(a)	20 sq. ft.
Real estate	1	6 sq. ft.
Garage sale	2	2 sq. ft.
Residential entryway	1 ^(b)	48 sq. ft.
Wall sign for nonconforming use	1	2 sq. ft.

*Specific sections in this chapter should be consulted for details.

Notes:

(a) One additional sign shall be permitted for each school, parsonage, or other related facility.

(b) One sign is permitted at each entrance to a subdivision or residential development.

(Ord. of 7-16-1992, § 21.10)

Sec. 32-833. - Nonresidential district signs.

The following signs shall be permitted in the nonresidential zoning districts, specifically the O-1, C-1, C-2, C-3, M-1, M-2, PD, and PP zoning districts (see generalized schedule of sign standards included within this article):

- (1) *Signs for residential uses in a nonresidential zoning district.* Signs for nonconforming residential land uses in zoning districts designated for nonresidential land uses shall be governed by the sign regulations for residential district uses set forth in section 32-830.
- (2) *Signs for nonconforming nonresidential uses.* Signs for nonconforming land uses in another designated zoning district (for example, a nonconforming commercial use in an industrial district) shall be governed by the sign regulations that

are appropriate for the type of use, as specified in this chapter.

- (3) *Wall signs.* Wall signs shall be permitted in all nonresidential zoning districts subject to the following regulations:
- a. *Number.* One wall sign shall be permitted per street or highway frontage on each parcel. In the case of a multitenant building or shopping center, one wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multitenant structure shall be permitted to have one sign on each side of the building. Where several tenants use a common entrance in a multitenant structure, only one wall sign shall be permitted, but the total allowable sign area may be allocated on among two or more tenants.
 - b. *Area.* The total area of a wall sign shall not exceed 1½ square feet per lineal foot of building frontage not to exceed a maximum of 150 square feet per site.
 - c. *Location.* One wall sign may be located on each side of a building that faces a street or highway. Such sign must face the street or highway frontage.
 - d. *Vertical dimensions.* The maximum vertical dimension of any wall sign shall not exceed one third of the building height.
 - e. *Horizontal dimensions.* The maximum horizontal dimension of any wall-mounted sign shall not exceed three-fourths of the width of the building.
 - f. *Height.* The top of a wall sign shall not be higher than whichever is lowest:
 1. The maximum height specified for the district in which the sign is located.
 2. The top of the window sills at the first level above the first story.
 3. The height of the building facing the street on which the sign is located.
 - g. *Off-premises advertising signs.* Wall signs used as an off-premises advertising sign are only allowed in the M-1 And M-2 zoning districts. Off-premises advertising wall signs are subject to the provisions of this section and section 32-830(d), with the more restrictive dimensional requirement being applicable.
- (4) *Freestanding signs.* Freestanding signs shall be permitted in zoning districts designated in this chapter for nonresidential land uses regulations:
- a. *Number.* One freestanding sign shall be permitted per street or highway frontage on each approved nonresidential site. Such sign must face the street or highway frontage. In multitenant buildings or shopping centers the sign area may be allocated for use among two or more tenants. On parcels adjacent to I-696, no freestanding sign shall be permitted to face I-696.
 - b. *Area.*
 1. The total area of the allowed freestanding sign shall not exceed one-half of a square foot per lineal foot of lot frontage, not to exceed 100 square feet per road frontage.
 2. One freestanding sign up to 200 square feet may be permitted for on a site approved as site plan for a planned development according to the applicable procedures of this chapter.
 - c. *Setback from the right-of-way.* Freestanding signs may be located in a required front yard, provided that no portion of any such sign shall be located closer than 15 feet to the existing or planned street right-of-way line. If a parcel is served by a private drive or service road, no portion of a freestanding sign shall be closer than three feet to the edge of the private road. No portion of a freestanding sign shall be located closer than 25 feet to the right-of-way of I-696.
 - d. *Setback from residential districts.* Freestanding signs shall be located no closer than 50 feet from any parcel zoned R-1A, R-1B, or R-M.
 - e. *Height.* The height of a freestanding sign shall not exceed five feet. However, freestanding signs up to 15 feet in height may be permitted following site plan review by the township planning commission.

- (5) *Marquee signs.* Marquee signs shall be permitted for theaters located in commercial districts subject to the following requirements:
- a. *Construction.* Marquee signs shall consist of hard incombustible materials. The written message shall be affixed flat to the vertical face of the marquee.
 - b. *Vertical clearance.* A minimum vertical clearance of ten feet shall be provided beneath any marquee.
 - c. *Projection.* Limitations imposed by this chapter concerning projection of signs from the face of a wall or building shall not apply to marquee signs, provided that marquee signs shall comply with the setback requirements for the district in which they are located.
 - d. *Number.* One marquee shall be permitted per street frontage.
 - e. *Area.* A marquee sign shall not exceed 1½ square feet per lineal foot of building frontage.
 - f. *Compliance with area requirements for wall signs.* The area of permanent lettering on a marquee sign shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
- (6) *Awnings and canopies.* Signs on awnings and canopies in zoning districts designated for nonresidential land uses shall be permitted, subject to the following standards:
- a. *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.
 - b. *Compliance with area requirements for wall signs.* The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total allowable area of wall signs permitted on the parcel.
 - c. *Projection.* Limitations imposed by this chapter concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for structures within the zoning district in which they are located.
 - d. *Address.* Any lettering used solely for the purpose of presenting the numerals of the street address of a commercial use shall not be included within the computed sign area of a canopy sign, provided that the height and width of the numerals do not exceed that used for the lettering elsewhere on the canopy.
- (7) *Gasoline price signs.* Gasoline price signs shall be permitted subject to the following standards:
- a. *Number.* One gasoline price sign shall be permitted for each gas station.
 - b. *Area.* Gasoline price signs shall not exceed 20 square feet.
 - c. *Setback.* Gasoline price signs shall comply with the setback and height requirements for freestanding signs.
- (8) *Temporary signs.* Temporary signs shall be permitted in accordance with section 32-830(c).
- (9) *Window signs.* Temporary and permanent window signs shall be permitted on the inside in commercial and office districts provided that the total combined area of such signs (including incidental signs) shall not exceed 25 percent of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs on the parcel. Temporary window signs shall comply with the requirements in section 32-830(c).
- (10) *Time/temperature/stock market quote signs.* Time, temperature, and stock market quote signs shall be permitted in zoning district designated for nonresidential land use by this chapter subject to the following conditions:
- a. *Frequency of message change.* The message change shall not exceed a frequency of one every ten seconds.
 - b. *Area.* The area of these types of signs shall be included within the maximum sign area permitted on the site.
 - c. *Number.* One such sign shall be permitted per street frontage.

Generalized Schedule of Sign Standards for Nonresidential Uses*		
Types of Sign	Number	Maximum Area
Wall	1 ^(a)	1½ sq. ft. per foot of building front, up to 125 sq. ft
Freestanding	1 ^(b)	½ sq. ft. per foot of street frontage, up to 75 sq. ft. ^(c)
Window	1	¼ of window area ^(d)
Awning or canopy	1	25% of awning area ^(d)
Gasoline price	1	20 sq. ft.
Marquee	1	1½ sq. ft. per foot of building front ^(e)
Time/temp. stock market quote	1	Based on maximum permitted sign area on site
Real estate	1	16 sq. ft. ^(f)

*Specific sections in this chapter should be consulted for details.

Notes:

(a) In the case of a multitenant building, one wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multitenant structure shall be permitted to have one sign on each side of the building. Where several tenants use a common entrance in a multitenant building, only one wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

(b) Only one freestanding sign shall be permitted for multitenant buildings or shopping centers, but the sign area may be allocated for use by individual tenants.

(c) The township board may permit a freestanding sign up to 200 square feet in area for a planned development.

(d) The area of permanent window signs and awnings and canopy signs shall be counted in determining compliance with the standards for total area of wall signs.

(e) Marquee signs shall be permitted for theaters located in commercial districts.

(f) Real estate signs offering unplatted vacant land for sale or lease may be up to 64 square feet in area.

(Ord. of 7-16-1992, § 21.11)