

Chapter 40 ZONING¹

ARTICLE I. IN GENERAL

Sec. 40-1. Short title.

This chapter shall be known and may be cited as the "Springfield Township Zoning Chapter." Within the following text it may be referred to as the "chapter."

(Ord. No. 26, § 1.00, 9-13-1990)

Sec. 40-2. Definitions.

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

The term "used" or "occupied" includes the term "intended," "designed," or "arranged to be used or occupied;" the term "building" includes the term "structure" and the term "dwelling" includes the term "residence"; the term "lot" includes the terms "plot" and "parcel."

Act or doing of an act includes the omission to act.

Adult means:

- (1) A person 18 years of age or older.
- (2) A person who is placed in an adult foster care family home or an adult foster care small group home pursuant to section 5(6) of Public Act. No. 116 of 1973 (MCL 722.115(6)).

Adult business.

- (1) The term "adult business" means an establishment which may include, but is not limited to, the following:
 - a. *Adult bookstore, adult novelty store, or adult video store* means an establishment which derives at least 35 percent of sales volume or devotes 35 percent of its floor area for sale; barter; or rental books; magazines, other periodicals, films, motion pictures, videocassettes or video discs, or photographs which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; and/or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
 - b. *Adult cabaret* means a nightclub, restaurant, or similar establishment which, as one of its principal purposes features:

¹State law reference(s)—Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

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1. Persons who appear in a state of nudity or seminudity; live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 2. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- c. *Adult personal service business* means a business having as a principal activity a person, while nude or partially nude, providing personal services for another person on an individual basis in a closed room. The term "adult personal service business" includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, tattoo parlors, wrestling studios, individual theatrical performances.
 - d. *Adult motion picture theater or adult arcade* means an enclosed building used for presenting on-premises viewing, by use of motion picture, video or laser disc pictures or other image-producing devices or any coin-operated means, material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
 - e. *Adult theater* means a theater, concert hall, auditorium, or similar establishment which regularly and primarily features persons who appear in a state of nudity or seminudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- (2) The term "adult business" does not include activities performed by persons pursuant to, and in accordance with licenses issued to such persons by the state.

Adult foster care congregate facility means an adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care.

Adult foster care facility means a governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged; emotionally disturbed; developmentally disabled; or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. The term "adult foster care facility" includes homes for the aged. The term "adult foster care facility" does not include any of the following:

- (1) A nursing home licensed under article 17, the Public Health Code, of Act No. 368 of the Public Acts of 1978, as amended, MCL 333.20101 to 333.22190.
- (2) A home for the aged licensed under article 17 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, (MCL 333.20101 to 333.22190).
- (3) A hospital licensed under article 17 of the Public Health Code, of Act No. 368 of the Public Acts of 1978, as amended, (MCL 333.20101 to 333.22190).
- (4) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under the Mental Health Code, Act No. 258 of the Public Acts of 1974, as amended, MCL 330.1001 to 330.2106.
- (5) A county infirmary operated by a county department of social services under section 55 of the Social Welfare Act, Act No. 280 of the Public Acts of 1939, MCL 400.55.
- (6) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act No. 116 of the Public Acts of 1973, as amended, MCL 722.11 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:

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- a. Two, if the total number of residents is ten or fewer;
 - b. Three, if the total number of residents is not less than 11 and not more than 14;
 - c. Four, if the number of residents is not less than 15 and not more than 20.
 - d. Five, if the total number of residents is 21 or more;
 - e. Residents in the institution, camp, or home are less than 26 years of age.
- (7) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or roominghouse which does not provide or offer to provide foster care.
- (8) A facility created by Act No. 152 of the Public Acts of 1885, as amended, MCL 36.1 to 36.12.

Adult foster care large group home means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care.

Adult motel means a motel which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined in this section), for the entertainment of its patrons.

Agriculture means the art or science of cultivating the ground, the production of crops or livestock on a farm; but excluding an agricultural business or industry such as commercial greenhouses, the sale of nursery stock, riding or boarding stables, fur farms, piggeries, and slaughtering of animals except animals raised on the premises for the use and consumption of persons residing on the premises.

Alley means a public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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

Animal means a nonhuman zoological species, classified for purposes of this chapter as follows:

- (1) *Type I animal*. A domesticated household pets weighing less than 150 pounds.
- (2) *Type II animal*. An animal which is normally part of the livestock maintained on a farm, including:
 - a. Bovine and like animals, such as the cow.
 - b. Equine and like animals, such as the horse.
 - c. Swine and like animals, such as the pig and hog.
 - d. Ovis (ovine) and like animals such as the sheep and goat.
 - e. Other animals similar to those listed in subsections (2)a to d of this definition weighing in excess of 75 pounds, and not otherwise specifically classified herein.
- (3) *Type III animal*. Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as wild fowl, such as pheasant, quail, geese, or grouse, and other animals similar to those listed within this subsection, weighing less than 75 pounds, not specifically classified herein.

Apartment means a dwelling unit in a multiple dwelling as defined herein.

Attached wireless communication facilities means wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks., utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

Automobile, unless specifically indicated otherwise, means any motorized vehicle intended to be driven on roads or trails, such as cars, pickup trucks, vans and motorcycles, and other vehicles defined as motor vehicles by the state vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.).

Automobile filling/convenience station means a building or premises used primarily for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities; as well as selling convenience foods and other such items through a convenience store. Minor or major automobile repair is expressly excluded from this definition.

Automobile filling/mixed-use station means a building or premises where gasoline and other petroleum products are sold in addition to the sale of convenience items, convenience foods from a fast food restaurant, and/or a car wash. The term "automobile filling/mixed-use station" also includes the sale of gasoline as ancillary to another use, such as a grocery or large retail store. Minor or major automobile repair is expressly excluded from this definition.

Automobile filling/service station means a building or premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted in a completely enclosed building. Sale of auto parts such as tires and batteries with installation integral to the sale, minor accessories for motor vehicles and convenience foods, as through a convenience store, may also be conducted. Major auto repair is expressly excluded from this definition.

Automobile impound facility means a facility that provides temporary outdoor storage for wrecked, licensed vehicles awaiting insurance adjustment or transport to a repair shop

Automobile repair facility, major, means a building or premises which engages in the business of performing intensive vehicle body work or repair services, where the activity can create objectionable noise, glare, fumes, fire or toxic hazards, involve extensive vehicle dismantling and lengthy restoration or rebuilding, for repairable crashed automobiles, commercial and recreational vehicles. The term "major automobile repair facility" does not include impounded vehicles. The following services are included in the term "major automobile repair facility":

- (1) Engine repair where the cylinder head, pan or exhaust manifold is removed;
- (2) Steam cleaning of engines; undercoating;
- (3) Vehicle painting and spray painting;
- (4) Auto glass repair and replacement;
- (5) Repair and replacement of air conditioner and parts, fuel pumps, carburetor and fuel injector parts, cooling systems, transmission, differential, trans-axles, shaft and universal joints, wheel and steering linkages and assemblies;
- (6) Rebuilding and upholstering the interior of vehicles;
- (7) Chassis, frame, body, fender and bumper molding, straightening, replacement and finishing; and
- (8) Repairs involving extensive welding, racing of engines or lengthy or overnight idling of engines or similar uses.

Sale of gasoline, automotive parts with installation integral to the sale, towing services, and automotive wash services shall be incidental to the enumerated activities in this definition.

Automobile repair facility, minor, means a building or premises which offers or provides the following services for automobiles, commercial, and recreational vehicles: routine maintenance such as checking tire pressure, changing wipers and blades, oil changes, lubrication, change of filters, sparkplugs, top off all fluids, emission system maintenance, and vacuuming the interior of the car. Also included in the term "minor automobile repair facility" are more extensive maintenance procedures recommended by the manufacturer at certain intervals

such as replacement and repair of tires, starting motors, alternators, electrical system components, distributor caps, sensors, internal switches, exhaust systems, and repair or replacement of the emission system. Major automotive maintenance and repair are expressly excluded from the term "minor automobile repair facility." Sale of gasoline, automotive parts with installation integral to the sale, automotive accessories, automobile wash services, and convenience goods shall be incidental to the enumerated activities in this definition.

Automobile sales and service facility means a building or premises used primarily for the sale, lease or rental of new and/or used automobiles. These facilities may also provide both minor and major repair services in a completely enclosed building as an ancillary service.

Automobile salvage yard/junkyard means an open area of more than 200 square feet, including an automobile wrecking yard and salvage areas used for the purchase, sale, exchange, disassembly, storage, abandonment, processing, baling or packaging of junk, including, but not limited to, scrap metals, unusable machinery or motor vehicles, tires, bottles and paper, and not including uses established entirely within the enclosed buildings.

Automobile towing service means a building or premises used primarily for the operation of an automobile towing service that tows disabled automobile or disabled, impounded automobiles to major repair facilities. Also included in the term "automobile towing service" is distressed automobile transporters that transport scrapped or junked automobiles to automobile salvage yards or junkyards.

Automobile wash means a building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

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

Berm means a landscaped earthen undulation which gently blends into surrounding terrain.

Billboard means any nonaccessory sign, device, design or trademark, or the words, letters or numbers which make anything known to the general public and is the principal use of the lot or parcel on which it is located.

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

Boardinghouse means, (the terms boardinghouse, roominghouse and lodginghouse are used synonymously in this chapter), a building, other than a hotel, where, for compensation and/or prearrangement for periods exceeding ten days, lodging and meals are provided for three or more persons, or together with one dwelling unit or occupancy by management.

Buildable area means the space remaining on a lot after compliance with the minimum required setbacks of this chapter.

Building means any structure, temporary or permanent, having one or more floors and a roof and intended for the shelter or enclosure of persons, animals and property.

Building, accessory, means a subordinate building located on the same lot with the principal building, and occupied by or devoted to an accessory use.

Building, accessory floor area, means the floor area of an accessory building, excluding any second floor or half floor.

Building frontage means the length of the building that fronts or runs parallel to the primary road right-of-way of the lot.

Building height means the vertical distance from grade plane to the average height of the highest roof surface.

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

Building, main or principal, means a building, or where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

Business center means a group of two or more stores, offices, research facilities or manufacturing facilities which collectively have a name different than any individual establishment and which have common parking and entrance facilities. The term "business center" may also be considered a nonresidential platted subdivision or site condominium development, such as an industrial or office park.

Campground.

- (1) The term "campground" means any one or more of the following, but specifically excluding a hospital, any use of land involving the operation of programs involving persons sentenced or assigned to said programs by governmental agencies or courts of law having statutory authority to detain persons against their will, a seasonal mobile home park licensed under Public Act No. 96 of 1987 (MCL 125.2301 et seq.) and/or a hotel or motel:
 - a. *Type I.* Any area of land or water of a design or character suitable for reasonable nature, recreational, or other similar temporary living purpose;
 - b. *Type II.* An area in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five or more recreational units, located within a type I area; or
 - c. *Type III.* Any building, or group of buildings, including dormitories and cabins, located within a type I area, providing temporary living quarters for recreation, education, or vacation purposes, on a commercial basis or for charitable purposes.
- (2) For purposes of this chapter, the following additional terms are defined:

Recreational unit means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabrics stretched and sustained by poles and used for camping outdoors. The term "recreational unit" includes the following:

- a. A travel trailer, which is a vehicular portable structure, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a vehicle, primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use.
- b. A camping trailer, which is a vehicular portable structure mounted on wheels and constructed with collapsible partial sidewalls of fabric, plastic, or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- c. A motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- d. A truck camper, which is a portable structure designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of two basic types:

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1. A slide-in camper, which is a portable structure designed to be loaded onto and unloaded from the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping, or travel use.
 2. A chassis-mount camper, which is a portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, camping, or travel use.
- e. A single sectional mobile home used only to provide temporary living quarters for recreational, camping, or travel use. Recreational unit does not include a mobile home used as a permanent dwelling, residence, or living quarters.

Temporary campground means a type II campground used on a short-term basis not to exceed a period of four weeks, that is licensed by the state in conjunction with an event such as a festival, fair, race or holiday.

Temporary living quarters, as related to camping, means a recreational unit or a building within a type III camp, which is occupied or used for more than four hours between the hours of 10:00 p.m. to 6:00 a.m., and which is not intended to be occupied or used by a single person for in excess of three consecutive months.

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

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

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but in no way operated for profit.

Cluster housing means a development design technique, approved by the township, which concentrates single-family lots in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of natural resources and features.

Collocation means the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

Commercial vehicle means any vehicle bearing or required to bear commercial license plates and which falls into one or more of the categories listed as follows:

- (1) Truck tractors;
- (2) Semitrailers, which includes flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
- (3) Vehicles of a type that are commonly used for the delivery of bread, fruit, milk and ice cream or similar vending supply or delivery trucks. This category shall also include vehicles similar in nature that are commonly used by construction-oriented contractors, such as electricians and plumbers;
- (4) Tow trucks;
- (5) Commercial hauling trucks;
- (6) Vehicle repair service trucks;
- (7) Snow plowing trucks;

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- (8) Any other vehicle similar to the vehicles listed in subsections (1) through (7) of this definition.

Community and civic event means events intended for community-wide service, education, civic, municipal special events, entertainment uses, and other activities, fairs and festivals open to the general public.

Community recreation center means a public building that accommodates educational and recreational programming, such as indoor exercise facilities, indoor court sports facilities, arts and crafts activity rooms, educational enrichment programs, and meeting space for service and social clubs, neighborhood organizations, and special interest groups.

Community sewer system means a facility for the transportation, collection, processing or treatment of sanitary sewage, which is owned or used by a nongovernmental entity and which is proposed to service more than one structure.

Condominium.

- (1) The term "condominium" means a place or project consisting of not less than two condominium units established in conformance with the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.) (the Act), and this chapter.

- (2) The following additional definitions shall apply in the application of the regulations of this chapter:

Common elements means the portion of a condominium project other than the condominium units.

Condominium documents means the master deed, recorded pursuant to the Act, and any other instrument referred to in the master deed which affects the rights and obligations of a co-owner in the condominium.

Condominium unit means the portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Conversion condominium means a condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Act (MCL 559.171).

General common elements means the common elements other than the limited common elements.

Limited common elements means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

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 for the project and all other information required by the Act.

Site condominium means a condominium development in which each co-owner owns exclusive rights to a volume of space within which a structure may be constructed, herein defined as a condominium unit, as described in the master deed. A condominium lot in a site condominium includes a condominium unit and any contiguous limited common element, appurtenant to and surrounding the condominium unit.

Defined in the Act means terms not defined in this section, but which are defined in the Act, that shall have the meanings ascribed to them in the Act.

Conifer or coniferous means a woody plant, usually evergreen, with cones and needle-shaped or scale-like leaves.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with same and having a floor area of less than 5,000 square feet.

Cultivar means a certain variant of a species that is propagated for ornamental use.

Day care facilities. The following definitions shall apply in the construction and application of this chapter:

- (1) *Day care center* means a facility, other than a private residence, receiving more than one or more children for care and supervision for periods less than 24 hours, and where the parents or guardians are not immediately available to the child.
- (2) *Group child care home* means those terms as defined in section 1 of Public Act No. 116 of 1973 (MCL 722.111), and only apply to the bona fide private residence of the operator of the group child care home.
- (3) *Family child care home* means those terms as defined in section 1 of Public Act No. 116 of 1973 (MCL 722.111), and only apply to the bona fide private residence of the operator of the family child care home.

Direct lake access property means lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.

District (zoning district) means a portion of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Dog park means any fenced, off-leash dog play area designated within a park for that purpose.

Dwelling, multiple-family, means a building or portion thereof containing three or more dwelling units.

Dwelling, one-family, means a detached building containing one dwelling unit.

Dwelling, two-family, means a detached building containing two dwelling units.

Dwelling unit (also referred to as residence) means one or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

Ecosystem means an ecosystem consists of a dynamic set of living organisms (plants, animals, and microorganisms) all interacting among themselves and with the environment in which they live (soil, climate, water, and light).

Efficiency apartment means a dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for occupancy for living, cooking and sleeping purposes and having no separate designated bedroom.

Entrance ramp means a roadway used for access from a feeder road to a limited access highway.

Environmental education center means a building or other facility whose principal use is to educate the public through curriculum, programs, and displays about the natural world. A main focus is generally placed on increasing awareness, knowledge and skills that result in understanding, commitment, informed decisions, and constructive action to ensure stewardship of the earth's environment.

Environmentally sound landscape management practices means landscape management practices that use appropriate native plant species for the site conditions, filter stormwater pollutants and promote infiltration, improve wildlife habitat, reduce the need for irrigation, minimize the use of chemical pesticides and fertilizers, and significantly reduce or eliminate the use of gasoline-powered landscaping equipment.

Equestrian facility means any parcel where five or more horses or other equestrian animals are rented, hired, used for training, or boarded for compensation and/or where temporary or permanent, indoor or outdoor equestrian riding, driving, or showing facilities are provided.

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

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

Exit ramp means a roadway used for access from a limited access highway to a feeder road.

Exotic invasive plant species means an exotic plant species that has no natural controls and is able to out-compete and gradually displace native plants. A list of prohibited exotic invasive plant species is included in this chapter.

Exotic noninvasive plant species means an exotic plant species in which the spread is controlled in some manner and is not listed in this chapter as an exotic invasive plant.

Exotic plant species means a plant species that has evolved in a country or region other than Oakland County, Michigan, and has been introduced by human activity.

Facade means that portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Family.

(1) A family shall be defined as meeting one of the following:

- a. One or more persons related by blood, marriage, adoption or guardianship living together as a single housekeeping unit.
- b. Not more than four persons plus their offspring living as a single housekeeping unit.
- c. A group of not more than 12 unrelated disabled persons, each of whom is handicapped within the meaning of the Fair Housing Act, 42 USC 3602(h), living together as a single housekeeping unit in an adult foster care home licensed by the state, with such nonresident staff as may be needed to assist the residents with their daily life activities, but not receiving funding through a contract with any state or community health or social service agency.

(2) For purposes of subsections (1)a and (1)b:

- a. To be considered a "single housekeeping unit," the relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit; and
- b. The term "single housekeeping unit" does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or group of individuals where the common living arrangement or basis for the establishment of the housekeeping unit is on a temporary basis.

Farm means a tract of land of not less than four acres in a single ownership or single operation on which agriculture is the principal use.

Feedlot means the place of the confined keeping of livestock or other animals for food, fur, pleasure, resale or training purposes in yards, lots, pens, buildings or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animals wastes may originate by reason of keeping such animals, all of which to include chickens, ducks, geese and other fowl.

Fence means a structure of definite height and location, which serves as a physical barrier or enclosure.

Filling means the depositing or dumping of any matter onto or into the ground, except common household gardening and ground care.

Fitness facility means a facility of 5,000 square feet or less, which is designed and equipped for members to participate in activities for physical exercise and fitness.

Fitness/sports club means a facility, which includes multiple activities and is designed and equipped for members to participate in sports, physical exercise and fitness and other recreational activities. A fitness/sports club may include a gymnasium, sports courts, swimming pools, jogging tracks, workout rooms and similar activities and may also include accessory support service such as a snack bar or child care, provided such services are offered only to members.

Fleet fuel storage and dispensing facility means a state-certified facility that is generally unmanned, where bulk fuels are stored for the express use of authorized persons to dispense into approved containers for their own use or to distribute to customers. The term "fleet fuel storage and dispensing facility" expressly excludes retail sale or dispensing of fuels.

Floor area means a horizontal area measured to the exterior face of exterior walls, or in the case of unenclosed structures and portions of structures to the exterior of the structure supporting the roof.

Food Truck means a mobile retail food vendor/establishment that is readily movable as part of a motorized wheeled vehicle or a towed wheeled vehicle, and that is designed and equipped to serve food.

Forb means any nongrass-like plant having little or no woody material, commonly referred to as a wildflower.

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

Garage, private residential, means an accessory building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located.

Garage, public parking, means a structure available to the public for the parking and storage of motor vehicles, including such accessory uses as the sale at retail of gasoline (stored only in underground tanks) or motor oil and the washing, polishing and lubrication of motor vehicles, all within the structure.

Grade plane means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building between the structure and a point six feet from the building.

Greenbelt means an open landscaped area intended to act as a transition between a right-of-way and/or thoroughfare and an existing or proposed development.

Hazardous substances includes hazardous chemicals as defined by the state department of community health and the state department of energy, labor and economic growth; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the state department of natural resources and environment. Petroleum products and waste oil are subject to regulation under this chapter.

Herbaceous refers to a plant with little or no woody tissue that often dies back to its roots each year during winter.

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

Hospital means an institution providing health services primarily for in-patients, plus medical and surgical care for the sick or injured, including such related facilities as laboratories, outpatient departments, central service facilities and staff offices.

Hotel(including motel) means a building containing primarily rooming units with the number of dwelling units being not greater than ten percent of the total number of rooming units, and, with the exception of the units occupied by the management staff, used only for the accommodation of transients.

Inland lake or stream means a natural or artificial lake, pond or impoundment, a river, stream or creek which may or may not be serving as an established county drain or any other body of water which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Intensive livestock operation means an agricultural operation in which type II and type III animals are bred and/or raised within a confined area, either inside or outside and enclosed, generally at densities greater than permitted by section 40-644. Such operations are further characterized as having an animal feeding building or feedlot which is a facility, other than a pasture, where animals are fed and/or confined.

Kennel, commercial, means an establishment wherein or whereupon three or more dogs or cats are confined or kept for sale, boarding, breeding, or training purposes for remuneration.

Keyhole lake accessproperty means property which abuts a lake or a navigable tributary thereto and which provides lake access to owners or occupants of nearby property which does not abut the lake.

Laboratory means an establishment devoted to scientific, industrial or business research and experimental studies including testing and analyzing, but not including manufacturing of any nature.

Lake includes navigable tributaries of a lake.

Lake access means use of a lake for any purpose.

Lake frontage means property with frontage on a lake or a river, stream or canal that leads to a lake.

Large scale retail development means a retail development which exceeds 60,000 square feet in gross floor area in one or more buildings located on a single lot proposed as a single project.

Lighting means a variety of types and applications used to illuminate a site and or provide decorative and/or landscape lighting, as defined below:

- (1) Building Façade lighting means direct/indirect illumination of building mounted canopies, building architectural elements, and accent points.
- (2) Color Rendering Index (CRI) is the "measure of the degree of color shift objects undergo when illuminated by the light source as compared with the color of those same objects when illuminated by a reference source, of comparable color temperature." (i.e., red colors look red under light source with high CRI; they make look scarlet under lower CRI.)
- (3) Correlated Color Temperature (CCT) is a measure in degrees Kelvin (K) of lights warmth or coolness. Lights with CCT of less than 3200 K are orangish and considered warm. Lights with CCT of greater than 4,000 are bluish-white and considered cool.
- (4) Full Cut off Fixture is a fixture that allows no light emission above a horizontal plane through the fixture.
- (5) Landscape lighting means landscaping within greenbelts, trees, flower beds and features.
- (6) Parking Lot lighting and Facility Lighting means lighting within the parking lot as well as lighting at points of ingress and egress.
- (7) Pedestrian lighting means decorative fixtures for sidewalks and pathways.
- (8) Sky Glow means the diffuse illumination of the night sky attributable to light emitted from sources on the ground.
- (9) Streetscape lighting means decorative exterior fixtures intended to enhance the aesthetics of the site.

Limited public access means access to a lake by the public which is restricted by means of regulation, ordinances, because of physical limitations, or other reasons.

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

Lodginghouse. See *Boardinghouse.*

Lot shall mean a contiguous and defined tract of land, under single ownership or control, that is used or intended to be used for purposes as allowed by this chapter. A lot may consist of (a) a single lot of record; (b) a portion of a lot of record; or (c) a combination of one or more lots of record or portions thereof.

Lot area means the total horizontal areas within the lot lines of a lot. For lots fronting or adjacent to private streets, the term "lot area" means that area within lot lines and not including any portion of said private street.

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

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

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

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

Lot lines means the lines bounding a lot as defined herein:

(1) *Front lot line* means:

- a. In the case of an interior lot, the line separating the lot from the street.
- b. In the case of a through lot, the line separating the lot from that street which is designated in an application for a building permit or in any other manner as the front street.
- c. In the case of a corner lot, the lines separating the lot both from that street which is designated as the front street in an application for building permit and from the side street are front lot lines.

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

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

Lot of record shall mean a tract of land that meets one of the following requirements: (a) a lot shown on a subdivision plat recorded in the office of the Oakland County Register of Deeds; (b) a unit or common element in a condominium development, shown on a condominium subdivision plan recorded at the office of the Oakland County Register of Deeds; or (c) a parcel described by metes and bounds, shown on the tax assessment records of the township. A "lot of record" may be, but is not required to be, the same as a "lot".

Lot, through, means a double frontage lot, not a corner lot, having a street for both front and rear lot lines.

Lot width means the length of a straight line measured between the two points where the building line or setback line intersects the side lot lines.

Major thoroughfare means an arterial street which is designated as major thoroughfare on the thoroughfare plan for the township.

Marginal access road means a service roadway parallel to a feeder road; which provides access to abutting properties and protection from through traffic.

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

Master plan (comprehensive plan) means the official comprehensive plan for the development of the township, including, but not limited to, graphic and written proposals for thoroughfares, parks, schools, public buildings, land use and the general physical development of the township.

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

Michigan Natural Features Inventory (MNFI) means an organization of environmental professionals that gathers, stores and provides information on the natural features of the state. The information is gathered through such methods as aerial analysis, field inventories and from other scientists and naturalists.

Mobile home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

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

Motel. See *Hotel.*

Native plant community means a collection of plant species native to Oakland County, Michigan that have evolved together under similar site conditions.

Native plant species means a native plant species is one that has naturally evolved over thousands of years under certain soil, hydrologic, and other site conditions. Where the term "native plant species" is used in the text, it means a straight species, not a cultivar of a species.

Natural landscaping means a property that is landscaped so as to exhibit the deliberate and conscious decision to plant, cultivate and maintain those native species identified as wildflower, grass, shrub or tree as described in the Michigan Plants Database of the Floristic Quality Assessment (MDNR and U.S. Dept. of Agriculture), and in the Springfield Township Native Vegetation CD-ROM database. This landscaping tries to capture the character and spirit of nature in a designed landscape by arranging plants in a community context similar to their arrangement in nature. This landscape style does not allow for the simple neglect of maintaining plantings on a property.

Natural resource buffer zone means a strip of land inhabited by existing trees, shrubs, wildflowers, grasses, sedges, ferns, and other vegetation adjacent to a natural feature/ecosystem that provides a physical separation and reduces or eliminates the impacts of land use practices on the natural feature/ecosystem.

Natural resources and features means elements occurring naturally on a site which have physical, biological, cultural or aesthetic importance to natural systems, the overall landscape for the character of the township.

Navigable means usable by commercial shipping or capable of floating logs or timbers.

Nonconforming building(nonconforming structure) means a building or structure (or portion thereof) lawfully existing at the time of adoption of the ordinance from which this chapter is derived or a subsequent amendment thereto, that does not conform to the provisions of this chapter relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming use means a use of a building or structure or of a parcel or tract of land, lawfully existing at the time of the adoption of the ordinance from which this chapter is derived or a subsequent amendment thereto, that does not conform to the use of regulations of this chapter for the zoning district in which it is situated.

Nonconforming use and building means a use and/or a building lawfully existing at the time of adoption of the ordinance from which this chapter is derived or a subsequent amendment thereto which does not conform to the use and height, bulk, placement, yard or off-street parking provisions for the zoning district in which it's situated.

Nudity or a state of nudity means knowingly or intentionally displaying human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state.

Nursery, plant material means a space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The term "nursery," within the meaning of this chapter, does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursery school means a public or private school which provides prekindergarten education for children.

Nursing home (convalescent 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.

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

Off-street drive-through means a facility or space which permits patrons to be served while remaining in their automobile.

Off-street loading space means a facility or space which permits the loading or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

Off-street parking lot means a facility with one or more off-street parking spaces along with adequate drives and aisles.

Off-street parking space means an area exclusive of drives, aisles and accesses for the parking of automobiles.

Off-street stacking lane means an area where automobiles temporarily wait to be served at an off-street drive-through.

Off-street waiting space means an area, exclusive of drives, aisles and accesses for the temporary parking of automobiles while picking up or dropping off passengers.

Opacity means the state of being impervious to sight.

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

Ordinary high-water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

Park, active recreation, means an area of open space dedicated to recreational activities that require intensive development of facilities and often involve cooperative or team activities.

Park, passive recreation, means an area of open space dedicated to recreational activities that require a low-level of development and preservation of natural areas, and often involve solitary or small group, unstructured activities.

Partially nude means a person having any or all of the following body parts exposed: buttocks, genitals, pubic area or female breast.

Pathway means a hard surface usually concrete or bituminous, established for pedestrian non-motorized transportation. Pathways may be located within the public road right-of-way or within private easement and are physically separated from motor vehicular traffic by an open space. Pathways shall be no less than five feet wide, to be constructed in accordance with chapter 12, section 3, pedestrian facilities of the township's design and construction standards.

Plant material means a collection of living evergreen and/or deciduous woody stemmed trees, shrubs, vines, and ground cover.

Pole barn means any accessory building of a pole type construction wherein supporting vertical wall members are installed at a minimum depth of 42 inches below grade and said wall members may consist of wood or steel not to exceed 25 feet in height.

Priority resource protection area means a tract of land or water, identified by the township on the priority resource protection map, which does not have any minimum or maximum area requirement, but has the following characteristics:

- (1) Has retained or reestablished its natural character;
- (2) Has unusual flora and fauna or biotic, geologic, scenic, or other similar features of educational or scientific value;
- (3) Has been identified and verified through research and study by qualified observers; and/or
- (4) May be coextensive with or part of a wilderness area or wild area.

Public access means a site for lake access provided by the state or any political subdivision thereof, a commercial marina or other property owner for the use of the general public whether with or without charge.

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

Record owner means the person whose name appears upon the last township tax assessment records as the owner of the parcel of property.

Recreation land means any public or private owned lot or parcel that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature study, hunting, boating or fishing.

Recreational vehicle/equipment means a vehicle which is intended for temporary human habitation, sleeping and/or eating suitable for travel or recreational purposes, or a vehicle that moves one or more persons over the ground, water, ice or snow, and which is either self-propelled or connects to a vehicle which is self-propelled and is not included in the definition of automobile. The term "recreational vehicle" includes, but is not limited to, travel trailers, pickup campers, motor homes, van/campers, folding tent trailers, boats and boat trailers, snowmobiles, personal watercraft, all-terrain or special terrain vehicles, utility trailers and the typical equipment used to transport them on the highway.

Recreational vehicle sales and service facility means a building or premises used primarily for the sale, lease or rental of new and/or used recreational vehicles. These facilities may also provide both minor and major repair services in a completely enclosed building as an ancillary service.

Recycling facility means a facility for the acceptance of source-separated recyclable materials from the general public, other recycling facilities, governments, and other business enterprises. A recycling facility is used only for collection, short term storage, processing and transfer of recyclable materials.

Recyclable materials means reusable material, including, without limitation, wood, metals, glass, plastic, paper, concrete, and yard waste (leaves, grass clippings, weeds, hedge clippings, garden waste, and twigs), which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include hazardous waste as defined in Michigan Public Act 451 of 1994, as amended, nor any material containing more than one percent putrescible material (except for yard waste).

Required parking means areas devoted to customer, visitor and employee parking.

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 characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- (1) *Restaurant, carry-out*, means a restaurant whose method of operation involves sales of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- (2) *Restaurant, drive-in*, means a restaurant whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure.
- (3) *Restaurant, fast food*, means a fast food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands, inside or outside of the structure, for consumption off the premises, but not in a motor vehicle at the site.
- (4) *Restaurant, sit-down*, means a sit-down restaurant is a restaurant whose method of operation involves either:
 - a. The delivery of prepared food by servers to customers seated at tables within a completely enclosed building or a designated and licensed area; or
 - b. The acquisition by customers of prepared food at a cafeteria line and its subsequent consumption by the customers at tables within a completely enclosed building or a designated and licensed area.
- (5) *Bar/lounge* means a bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages/liquors 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.

Rezoning means a request to change the zoning map of the ordinance from which this chapter is derived.

Right-of-way (ROW) means a strip of land occupied or intended to be occupied by a street, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or other special use.

Riparian owner means a person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.

Roadside stand means a temporary or existing permanent structure containing not more than 200 square feet of enclosed floor area and operated for the purpose of selling agricultural, dairy or poultry products raised or produced only by the proprietor of the land or by his family.

Roominghouse. See *Boardinghouse*.

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

Screen means a barrier composed of living plant material, berm, or wall, or a combination thereof for the purpose of visual concealment and/or noise reduction.

Secondary containment means structures used to contain the accidental spill or discharge of aboveground storage and use areas for hazardous substances and polluting material. Secondary containment structures must provide protection from the weather, leakage, accidental damage, and vandalism of the material stored therein.

Self-storage facility means a building or group of buildings containing varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of residential goods and personal property.

Service stall means a portion of the building associated with an automobile filling/service station, automobile repair facility and automobile sales and service facility, which is equipped and used for service of automobiles.

Setback line, required, means a line, marking the setback distance from the street or lot lines, which establishes the minimum required front, side or rear open space of a lot.

Sidewalk means a concrete surface established for pedestrian non-motorized use. Sidewalks typically are located within residential developments along or adjacent to a roadway, or within nonresidential developments to provide internal access. Sidewalks shall be no less than four feet wide, to be constructed in accordance with chapter 12 section 3-pedestrian facilities of the township's design and construction standards.

Sign.

- (1) The term "sign" means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. House numbers, addresses, and name plates not exceeding two square feet shall not be considered signs.
- (2) For the purpose of this chapter, the term "sign" shall also include the following terms:

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner means any sign of lightweight fabric or similar material that is attached to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into masonry surface or made of other permanent material.

Building sign means any sign attached to any part of a building, as contrasted to a freestanding sign. The term "building signs" includes the following types of signs as defined in this section: banner, canopy, projecting, wall, and window.

Canopy sign means any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance window, or outdoor service area.

Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be

considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this chapter.

Commercial message means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Ground sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Nonconforming sign means any sign that does not conform to the requirements of this chapter.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is licensed operable and used in the normal day-to-day operations of the business.

Projecting sign means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Wall sign means any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Site area (gross) means the total horizontal area included within the lot lines of a lot or parcel of land.

Site area (net) means the total horizontal area included within the lot lines of a lot or parcel of land, minus area dedicated to road rights-of-way.

Site plan means a plan showing all salient features of a proposed development, as required under provisions of this chapter, so that it may be evaluated in order to determine whether it meets the provisions of this chapter.

Sound means a vibrational fluctuation of air pressure that is detected by the ear and having a frequency range of 20 Hz to 20,000 Hz. For the purpose of this chapter the term sound shall also include the following terms:

Ambient sound level means sound level in the absence of the noise being evaluated for impact. Sometimes also referred to as background sound level.

ANSI means American National Standards Institute (ANSI).

Average sound level means the integrated sound level over the measurement time period which provides an energy equivalent of a constant sound level over the same period of time. Also known as Equivalent Sound Level or L_{eq} .

A-weighted sound level means a sound level with a spectrum that has been modified using the A-weighting frequency filter as defined by the ANSI S1.4 standard and is commonly denoted with units of dB(A). A-weighted sound levels are used to emulate the human hearing response at low to moderate sound levels.

C-weighted sound level means a sound level with a spectrum that has been modified using the C-weighting frequency filter as defined by the ANSI S1.4 standard commonly denoted with units of dB(C). C-weighted sound levels are used to emulate the human hearing response at moderate to high sound levels, particularly for sound containing high levels of low frequency content such as idling trucks and loud music.

Decibel (dB) is logarithmic ratio use to describe the human perception of sound. See "sound pressure level."

Fast meter response means the setting on a sound level meter that controls the rate at which the meter responds to rising and falling sound levels based on 125 milliseconds exponential time averaging.

ISO means International Standards Organization (ISO).

NIST means National Institute of Standards and Technology (NIST).

Noise level see "sound pressure level" [below].

Receiving property means property that is normally occupied by persons to which noise may create an impact.

Sound pressure level also known as "sound level," is a numerical value calculated as 20 times the logarithm of the quantity of the root mean square measured sound pressure divided by the reference sound pressure of 20 μ Pa and identified with the logarithmic unit decibels or dB. For the purposes of this ordinance, sound pressure level, sound level and noise level can be used interchangeably and will have the same meaning.

Tone means a sound with a sinusoidal wave form containing a single frequency or set of frequencies that are natural numeric multiples (harmonics) of the primary frequency.

Special events facility means place with permanent facilities and/or areas used for indoor and/or outdoor assembly to which the general public is admitted or invited. The facility is designed to provide a venue for continually changing events offered for a limited time or number of performances including but not limited to entertainment, such as musical concerts or performing arts; education, such as lectures or educational demonstrations; or other temporary exhibitions or performances. Regularly-scheduled religious services conducted inside a building are expressly excluded from this definition.

Special land use means uses permitted subject to special conditions requiring approval by the township board after review and recommendation by the planning commission.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a state of sexual stimulation.
- (2) Acts of human masturbation, sexual intercourse, or sodomy; and
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stable means a building in which type II animals are sheltered and fed.

State licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.), or the child care organizations act, Public Act No. 116 of 1973 (MCL 722.111 et seq.), and provides residential services for six or fewer persons under 24-hour supervision or care.

Story means that part of a building, except a mezzanine or basement, as defined herein, included between the surface of one floor and the surface of the next floor above it, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least 50 percent of the usable floor area of the floor immediately below it.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Street line (right-of-way line) means the dividing line between the street and a lot.

Structure means any constructed or erected material, the use of which requires location on the ground, or attachment to something having location on the ground, including but not limited to, buildings, towers, and sheds, but excepting fences, signs, and walks, drives, pavements and similar access or circulation facilities.

Temporary and seasonal sales means events intended for short-term sale or promotion of goods and services. This includes seasonal markets, holiday sales and fireworks stands, temporary sales events, sidewalk sales, dealership tent sales, outdoor craft sales, and seasonal product sales on occupied or vacant parcels.

Temporary use or temporary building means a use or building permitted to exist during periods of construction of a main building or use, or for special events.

Temporary use or temporary dwelling means a temporary dwelling permitted to exist during periods of time due to the principal building being destroyed in whole or in part by fire, explosion or natural disaster and therefore unsuitable for use; or the principal dwelling is under construction by the occupant of the temporary dwelling.

Township means the Charter Township of Springfield, Oakland County, Michigan. Where township approval is required by this chapter, it shall be granted by the township supervisor or his designee, unless the language specifically requires action by the township board or some other individual, board, commission or committee.

Trail means a surface established for pedestrian non-motorized use. Trails are located within a park or natural area for outdoor recreation and access to natural features. Paved trails shall be no less than four feet wide, to be constructed in accordance with chapter 12, section 3-pedestrian facilities of the township's design and construction standards. Unpaved trails shall be an aggregate surface as detailed in chapter 12, section 3, pedestrian facilities of the township's design and construction Standards, or may be approved for woodchips, mowed vegetation, or other alternate surface as determined by the township during site plan review.

Truck stop means a facility which offers specialized and transient services for trucks including: gasoline, diesel fuel, truck/auto repair, food services, lodging or truck parking areas.

Truck storage means an area used for the temporary storage of private trucks or trucks for hire.

Truck terminal means a structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the township or area or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

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

Use, accessory, means a subordinate use which is customarily incidental to the principal use on the same lot or parcel.

Use, principal, means the primary and chief purpose for which a lot or parcel is used.

Variance means a modification of the literal provisions of this chapter granted by the zoning board of appeals in situations or under circumstances where permitted by law.

Vehicle display parking means areas devoted to the display of vehicles intended for sale associated with an on-site auto/vehicle sales and service facility.

Vehicle inventory storage/vehicle service and repair storage means areas devoted to the storage of excess vehicle inventory associated with an on-site or off-site auto/vehicle sales and service facility and may also include vehicles stored for repair or service associated with an on-site auto/vehicle sales and service facility.

Vibration shall include the following terms:

Continuous vibration means vibration duration of longer than one second or having a pause of less than one second between pulses or total accumulated vibration duration lasting longer than one minute in a one hour period.

Transient vibration - vibration with duration not exceeding one second in duration and having a pause of at least one second between pulses or total accumulated vibration duration not exceeding one minute in a one hour period.

Wall means an obscuring structure of definite height and location, constructed of masonry, concrete or similar material.

Wild animal means an animal which is not otherwise defined as a type I, II, or III animal, is not customarily domesticated and customarily devoted to the service of mankind in the township, or requires the permission of any agency of the state or the United States government to be kept in captivity. The term "wild animal" also means any animal which a person is prohibited from possessing by law. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

Wildlife preserve means land kept and/or managed to protect and propagate wildlife.

Wind energy conversion system (WECS).

- (1) The term "wind energy conversion system (WECS)" means any structure such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.
 - a. *Private WECS* means any WECS that is accessory to a principal dwelling or use located on the same lot, is designed and built to serve the needs of the principal use and that provides power to an electric utility's grid as a function secondary to supporting electricity to the principal dwelling.
 - b. *Commercial WECS* means any WECS that is designed and built to provide electricity as an ongoing commercial enterprise.
- (2) For purposes of this chapter, the additional definitions of the term "wind energy conversion system (WECS)" shall apply:
 - a. *Manual and automatic controls* means controls that give protection to power grids and limit rotation of WECS blades not to exceed the designed limits of the conversion system.
 - b. *Authorized factory representative* means an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

Wireless communication facilities means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. The term "wireless communication facilities" may include, but shall not be limited to, radio towers, television towers, telephone

devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within the term "wireless communication facilities" are: citizens band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless communication support structures means structures erected or modified to support wireless communication antennas. Support structures within the term "wireless communication support structures" include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

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

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front setback line.
- (2) *Front yard, double*, means an open space on corner lots (as defined in this chapter), extending the full width of the lot which sides to the intersecting street, both open spaces shall be considered front yards with setbacks as required in each particular zoning district.
- (3) *Side yard* means an open space, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the side setback line.
- (4) *Rear yard* means an open space extending the full width of a lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear setback line.

ZEA means the Michigan Zoning Enabling Act, Act 110, Public Acts of 2006 (MCL 125.3101 et seq.), as amended.

Zoning district. See *District*.

Zoning administrator means the individual designated by the township board to administer the provisions of the zoning ordinance. If not specifically designated the zoning administrator shall be the township supervisor.

(Ord. No. 26, § 2.00, 9-13-1990; Ord. of 6-12-2008, § 1(1); Ord. of 10-9-2008, § 1(1); Ord. of 12-11-2008(2), § 1(1, 2); Ord. of 7-9-2009, § 1(1); Ord. of 5-13-2010, § 1; Ord. of 11-10-2011(2), § 1; Ord. No. 2013(1), § 1, 1-10-2013; Ord. No. 2013(4), § 4, 3-14-2013; Ord. No. 2014(3), § 1, 8-14-2014; Ord. No. 2015(1), § 1, 3-12-2015; Ord. No. 2016(1), § 1.1, 1-14-2016; Ord. No. 2016(5), § 1.1, 8-11-2016; Ord. No. 2016-(6), § 1.1, 8-11-2016; Ord. No. 2017(2), § 1, 11-9-2017; Ord. No. 2018(2), § 2, 2-8-2018; Ord. No. 2018(4), § 2, 8-9-2018; Ord. No. 2018(8), § 1, 10-11-2018; Ord. No. 2019(7), §§ 1, 2, 6-13-2019; Ord. No. 2019(8), § 1, 8-8-2019; Ord. No. 2019(10), §§ 1.a., 1.b., 2, 10-10-2019; Ord. No. 2020(2), § 1, 8-13-2020)

Sec. 40-3. Interpretation and conflict.

In interpreting and applying the provisions of this chapter, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or required larger open spaces, or larger lot areas than are imposed or required by such other ordinance or agreements, the provisions of this chapter shall control.

(Ord. No. 26, § 22.00, 9-13-1990)

Sec. 40-4. Vested right.

It is hereby expressly declared that nothing in this chapter be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit.

(Ord. No. 26, § 22.01, 9-13-1990)

Sec. 40-5. Rule of construction.

The rule that a penalty statute is to be strictly construed shall not apply to this chapter or any of the provisions thereof.

(Ord. No. 26, § 24.01, 9-13-1990)

Secs. 40-6—40-28. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 40-29. Enforcement.

Except where herein otherwise stated, the township shall enforce the provisions of this chapter.

(Ord. No. 26, § 18.00, 9-13-1990)

Sec. 40-30. Duties of building official.

- (a) The building official shall have the power to grant building and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the building official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter.
- (b) The building official shall record all nonconforming uses existing at the effective date of the ordinance from which this chapter is derived for the purpose of carrying out the provisions of section 40-931.
- (c) Under no circumstances is the building official permitted to:
 - (1) Make changes to this chapter; or
 - (2) Vary any terms of this chapter in carrying out his duties as a building official.
- (d) The building official shall not refuse to issue a permit, when conditions imposed by this chapter are in compliance by the applicant, despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

(Ord. No. 26, § 18.01, 9-13-1990)

Sec. 40-31. Plot plan.

The building official shall require that all applications for building permits shall be accompanied by plans and specifications including a site plan in triplicate, drawn to scale, showing the following:

- (1) The actual shape, location and dimensions of the lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(Ord. No. 26, § 18.02, 9-13-1990)

State law reference(s)—Submission and approval of site plan, MCL 125.3501.

Sec. 40-32. Permits.

The following shall apply in the issuance of any permit:

- (1) *Not to be issued for nonconformity.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.
- (2) *For new use of land.* No land heretofore vacant shall hereafter be used, or an existing use of land is hereafter changed to a different class or type, unless a certificate of occupancy is first obtained for the new or different use.
- (3) *For new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (4) *Required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered and repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the state construction code, or by this chapter, except for minor repairs or changes not involving any of the aforesaid features.

(Ord. No. 26, § 18.03, 9-13-1990)

Sec. 40-33. Certificates.

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (1) *Not to be issued for noncompliance.* No certificates of occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all of the provisions of this chapter.

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- (2) *Required.* No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
 - (3) *Including zoning.* Certificates of occupancy as required by the state construction code for new buildings or structures, or part thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
 - (4) *For existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or part thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land are in conformity with the provisions of this chapter.
 - (5) *Records.* A record of all certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the property involved.
 - (6) *For dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
 - (7) *Application.* Application for certificates of occupancy shall be made in writing to the building official on forms furnished by that department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structures, or part thereof, or the use of land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof, within the aforesaid five-day period.

(Ord. No. 26, § 18.04, 9-13-1990)

Sec. 40-34. Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter may be collected by the township in advance of issuance. The amount of such fees shall be as currently established or as hereafter adopted by resolution of the township board from time to time and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

(Ord. No. 26, § 18.06, 9-13-1990)

Sec. 40-35. Performance guarantees.

- (a) *Purpose and intent.* In the interest of ensuring compliance with this chapter and protecting the natural resources and the health, safety and welfare of the residents of the township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the township may require the applicant to deposit a performance guarantee set forth as follows to ensure completion of improvements associated with the proposed use, improvements meaning those features and actions considered necessary by the township to ensure the compliance and protections outlined herein, including, but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, walls, screening, landscaping, off-street parking lots, off-street loading spaces and acceleration, deceleration and passing lanes and approaches and master deed, by laws, easements or other legal documents.
- (b) *Requirements.*
 - (1) A performance guarantee shall be provided for all required improvements for proposed uses and structures where a site plan is required pursuant to section 40-136. The township supervisor or designee shall determine the required improvements and the specific amount of the performance

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guarantee. The performance guarantee shall be a cash deposit, certified check or irrevocable bank letter of credit in an amount equal the cost of the required improvements based upon an estimate submitted by the applicant and verified by the township.

- a. The estimate shall be in an amount equal to the actual cost of the required improvements plus 15 percent of those actual costs, representing the administrative costs and expenses to the township in the event the performance guarantee must be used to complete the improvement.
 - b. In the event the applicant has been required to post a performance guarantee or bond with another governmental agency other than the township to ensure completion of an improvement associated with the proposed use prior to the township board's conditional approval, the applicant shall not be required to deposit with the township a performance guarantee for that specific improvement.
 - c. If the performance guarantee is an irrevocable bank letter of credit, it shall not be accepted by the township unless any expiration date of said letter is at least 60 days later than the date by which the improvements are to be completed.
- (2) A written agreement between the applicant and the township shall be required specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for verifying and inspecting the construction of such improvements to determine their conformity to the approved plans and specifications, and the nature of the financial guarantee of performance which is to be provided for each improvement.

(c) *Procedure.*

- (1) The performance guarantee agreement shall be executed with the township and the financial instruments shall be deposited with the township clerk prior to the issuance of a building and/or other permits by the township for the development and use of the land.
- (2) Upon receipt of the performance guarantee and executed agreement, the township shall issue the appropriate building and/or other permits and the township shall thereafter deposit the performance guarantee, if in the form of a cash deposit or certified check.
- (3) The performance guarantee agreement may provide for progressive draws from the applicable financial instruments upon certification by the township engineer that the specific required improvement has been satisfactorily completed/installed. At least 15 percent of the deposited funds shall be retained until 100 percent of the required improvements are completed as confirmed by the township, and the township is in receipt of sworn statements, waivers of lien, or other satisfactory documentation demonstrating that all sub-contractors and material suppliers have been paid in full.
- (4) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established, the township shall have the right to use the performance guarantee deposited to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
- (5) In the event the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay to the township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
- (6) In the event the applicant defaults in making the improvements and the township uses the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after said completion shall be applied first to the township's administrative costs in completing the improvements with any balance remaining being refunded to the applicant.

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- (7) The township shall be authorized to employ the township engineer and/or other township consultants to review cost estimates, conduct periodic inspection of the progress of improvements, review completion for partial rebates or other assistance to the township.

(Ord. No. 26, § 18.09, 9-13-1990; Ord. No. 2013(3), § 1, 3-14-2013; Ord. No. 2018(7), § 1, 9-13-2018)

State law reference(s)—Performance guarantee, MCL 125.3505.

Sec. 40-36. Duties of zoning administrator.

- (a) The zoning administrator shall be responsible to administer the provisions of this chapter and to do so, shall have the following duties and powers:
 - (1) Coordinate the township's review of all applications for site plans, special land uses, planned unit developments, site condominiums, administrative review, all applications to the zoning board of appeals, and any other applications authorized by this chapter;
 - (2) Provide information, and administrative support relating to building and zoning issues to the planning commission, zoning board of appeals, site plan committee, and any other board or committee authorized by this chapter;
 - (3) Supervise township staff in performing tasks related to the administration of this chapter;
 - (4) Coordinate and monitor activities of township consultants and inspectors related to the administration and enforcement of this chapter;
 - (5) Explain, interpret, and provide guidance regarding applicable building and zoning regulations to architects, engineers, contractors, developers, property owners, the public, planning commission, zoning board of appeals, site plan committee, and any other board or committee authorized by this chapter, however, any interpretation must be consistent with section 40-3 and the legislative intent and purpose of this section, as can be determined;
 - (6) Request interpretations from the zoning board of appeals; and
 - (7) Any other duties as assigned by the township board.
- (b) Under no circumstances is the zoning administrator permitted to
 - (1) Make any changes to this chapter; or
 - (2) Vary any of the terms and provisions of this chapter.

(Ord. No. 2019(7) , § 3, 6-13-2019)

Secs. 40-37—40-61. Reserved.

DIVISION 2. PLANNING COMMISSION AND ZONING BOARD OF APPEALS²

²State law reference(s)—Zoning board of appeals, MCL 125.3601 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

Sec. 40-62. Zoning board of appeals—Creation and membership.

- (a) *Creation.* There is hereby established a zoning board of appeals, hereinafter called the board, which shall perform its duties and exercise its powers as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and in such a way that the objectives of this chapter shall be observed, the public safety and welfare secured, and substantial justice done.
- (b) *Membership.* The board shall consist of five members, appointed by the township board.
 - (1) The first member shall be a member of the township planning commission.
 - (2) The second member may be a member of the township board.
 - (3) The remaining members shall be selected from among the electors residing in the unincorporated area of the township.
 - (4) An employee or contractor of the township board shall not serve as a member of the board.
 - (5) The terms of membership for board members shall be three years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of the planning commission or township board, respectively, or the period stated in the resolution appointing them.
 - (6) Successors in office shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled by appointment of the township board for the remainder of such term.
 - (7) An elected officer of the township shall not serve as chairperson of the zoning board of appeals.
 - (8) The township board may additionally appoint not more than two alternate members for the same term as regular members of the zoning board of appeals. An alternate member may be called to serve on the zoning board of appeals 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 conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.
 - (9) Members of the zoning board of appeals shall be removable by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

(Ord. No. 26, § 19.00, 9-13-1990; Ord. of 12-11-2008(2), § 1(16))

Sec. 40-63. Zoning board of appeals—Powers and duties.

- (a) *Generally.* The zoning board of appeals has the power to act on matters as provided in this chapter and Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The board shall not have the power to alter or change zoning district boundaries, land use classifications of any property, or zoning ordinance text from which this chapter is derived. The specific powers of the board are as enumerated in this article.
- (b) *Administrative review.* The board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the building official or other duly authorized enforcing agent, in enforcing any provision of this chapter.
- (c) *Requests for interpretation; nondesignated land uses; record.*

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- (1) The board shall hear and decide requests for interpretation of this chapter or the zoning map taking into consideration the intent and purpose of the chapter and the township master plan.
 - (2) The board shall hear and decide whether to permit land uses which are not specifically designated in any zoning district as a principal use permitted, principal use permitted subject to special conditions, or permitted accessory use. In making such a finding, the board shall consider the following:
 - a. The recommendation of the planning commission.
 - b. The specific characteristics of the use in question are clearly similar in nature to the characteristics of the uses expressly permitted in the district. Such characteristics shall include, but not be limited to:
 1. Traffic generation and circulation;
 2. Type of product sold or manufactured or type of service provided;
 3. Hours of operation; type and amount of work generated; and
 4. Impact on natural resources and community character.
 - c. The use in question is not permitted in any other zoning district.
 - (3) A record shall be kept by the board of all decisions for interpretation of this chapter or the zoning map and land uses which are approved under the terms of this section. The board shall request the planning commission and township board to review any ordinance amendment it deems necessary.
- (d) *Variances.*
- (1) The board shall have the power to hear and decide specific appeals and authorize such variances from the provisions of this chapter which will not be contrary to the public interest. A variance may be granted by the board where, due to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulty. A variance shall not be granted by the board unless all of the following conditions are met:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter.
 - c. The special conditions and circumstances referenced in subsection (d)(1)a of this section do not result from the actions of the applicant.
 - d. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - e. The granting of the variance will be in harmony with the general purpose and intent of this chapter and master plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - (2) In granting any variance, the zoning board of appeals may prescribe appropriate conditions and safeguards pursuant to section 40-65(g).

(Ord. No. 26, § 19.01, 9-13-1990; Ord. of 12-11-2008(2), § 1(16, 17))

Sec. 40-64. Zoning board of appeals—Meetings; compensation; officers.

- (a) All meetings of the zoning board of appeals shall be held at the call of the chairperson and at such time and place as the board shall determine. All meetings of the board shall be open to the public. The board shall keep a record of its proceedings showing the vote of each member upon each motion or appeal, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The record shall be filed in the office of the township clerk and shall be a public record. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.
- (b) The total amount allowed the board in any one-year period as per diem or as expenses actually incurred shall not exceed a reasonable sum, appropriated annually in advance by the township board.
- (c) The board shall elect its officers and prescribe the duties thereof.

(Ord. No. 26, § 19.02, 9-13-1990; Ord. of 12-11-2008(2), § 1(16))

Sec. 40-65. Procedure for appeal.

- (a) An applicant requesting any action by the zoning board of appeals shall commence such request by filing a notice of appeal, on the form supplied by the township, accompanied by such appeal fee as determined by the township board, and all plans, studies and any other information and data as applicable, all of which shall be made a part of the record.
- (b) Every appeal from a determination of the building official or other duly authorized enforcing agent pursuant to section 40-63(a) shall be made by the applicant within 30 days of the date of the order issuance or refusal to issue permit, requirement, or refusal.
- (c) The board shall fix a time for a hearing on the appeal, and shall notify the parties of the time and place of such hearing. Notice of all public hearings conducted by the board shall be given as set forth in Public Act No. 110 of 2006 (MCL 125.3101 et seq.). Upon receipt of a written request seeking an interpretation of this zoning chapter or an appeal of an administrative decision, 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 requesting the interpretation 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 interpretation request and the time, date, and place of the public hearing on the interpretation 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. If a tenant's name is not known, the term "occupant" may be used.
- (d) Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal.
- (e) The board shall not decide an appeal until after a public hearing. The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of the building official or other duly authorized enforcing agent, or to decide in favor of the applicant any matter upon which they are required to pass under this chapter, or to effect any variance from the terms of this chapter. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

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- (f) The board may reverse, affirm, vary, or modify, any order, requirement, or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
 - (g) The board may impose conditions with any decision. Such conditions imposed shall meet all of the following requirements:
 - (1) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Violations of any of these conditions shall be deemed a violation of this chapter, enforceable as such, and/or may be grounds for revocation or reversal of such decision.

- (h) All decisions of the board shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the board. The applicant shall be advised of the decision after the public hearing unless the board moves for a continuation of such hearing.
- (i) Any decision of the board favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
- (j) The board may reconsider an earlier decision, if, in the opinion of the board, circumstances justify taking such action.
- (k) No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period of longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than one year, unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.
- (l) Any party aggrieved by any decision of the zoning board of appeals may appeal the decision to the county circuit court in the manner provided by laws of the state, provided such appeal is filed with the court within 30 days of the date of the zoning board of appeals certifies its decision in writing or approved the minutes for the meeting at which the decision was made. An appeal may be had from the decision of the county circuit court to the state court of appeals. Any party aggrieved by an order, determination, or decision of any officer, agency, board, commission, zoning board of appeals, or legislative body of any local unit of government made pursuant to section 40-931 may obtain a review in the county circuit court.

(Ord. No. 26, § 19.03, 9-13-1990; Ord. of 12-11-2008(2), § 1(18(19.07)))

Sec. 40-66. Planning commission—Authority.

The township planning commission is designated as the planning commission specified in section 301 of Public Act No. 110 of 2006 (MCL 125.3301), which enables and governs the activities and procedures under this chapter.

(Ord. of 12-11-2008(2), § 1(19(19.03)))

Sec. 40-67. Planning commission—Jurisdiction.

The planning commission shall have such powers, duties and responsibilities as are expressly provided for in this chapter, the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.).

(Ord. of 12-11-2008(2), § 1(19(19.04)))

Sec. 40-68. Planning commission—Rules of procedure.

The planning commission shall conduct business, organize meetings, and perform its duties as provided for in this chapter, the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.), and the adopted township planning commission bylaws.

(Ord. of 12-11-2008(2), § 1(19(19.05)))

Sec. 40-69. Planning commission—Powers and duties.

The planning commission shall discharge the following duties pursuant to this chapter:

- (1) *Responsibilities as to zoning chapter.*
 - a. The planning commission shall perform the zoning duties of said commission as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and this chapter.
 - b. The planning commission shall be responsible for formulation of the zoning chapter, review of amendments to the zoning chapter, holding hearings on a proposed zoning ordinance or amendments thereto, and reporting its findings and recommendations concerning this zoning chapter or amendments to the township board.
- (2) *Site plan review.* The planning commission shall be responsible for reviewing site plans and site plan amendments, and making determinations to approve, approve subject to conditions, or deny applications for site plan approval in accordance with section 40-136 (site plan review).
- (3) *Special land use review.* The planning commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions, or deny applications for special land uses (and amendments to special land uses) in accordance with section 40-145 (special land uses).
- (4) *Site condominium plan review.* The planning commission shall be responsible for reviewing site condominium plans and site condominium plan amendments, and making determinations to approve, approve subject to conditions, or deny applications for site condominium plan approval in accordance with section 40-593 (site condominium project regulations).

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- (5) *Planned unit development review.* The planning commission shall be responsible for holding hearings and reviewing all applications for planned unit development approval in accordance with section 40-516 (planned unit development). The planning commission shall be responsible for making a recommendation to the township board to grant approval, approval with conditions, or denial of a proposed planned unit development and any amendments to a planned unit development.
- (6) *Other duties and responsibilities.* The following shall be the other duties and responsibilities for the planning commission:
- a. To submit an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.
 - b. To prepare a capital improvement plan.
 - c. To take such action on petitions, staff proposals and township board requests for amendments to the master land use plan.
 - d. To review subdivision and condominium proposals and recommend appropriate actions to the township board.
 - e. Be responsible for the review of any other matters relating to land development referred to the commission by the township board. The planning commission shall recommend appropriate regulations and action on such matters.

(Ord. of 12-11-2008(2), § 1(19(19.06)))

Secs. 40-70—40-96. Reserved.

DIVISION 3. CHANGES AND AMENDMENTS³

Sec. 40-97. Statement of intent.

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the township, this chapter shall not be amended except to correct an error in the chapter or, because of changed or changing conditions in a particular area or in the township generally to rezone an area, extend the boundary of an existing district or to change the regulations and restrictions thereof.

(Ord. No. 26, § 20.00, 9-13-1990)

Sec. 40-98. Amendment procedure.

- (a) The township board, from time to time, may determine that changes in the text of this chapter or changes in the zoning map may be necessary, such text and/or map changes only to be made after such change is to be considered by the planning commission. Said planning commission shall study and report its findings to the township board utilizing the procedures set forth in the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

³State law reference(s)—Zoning adoption and enforcement, MCL 125.3401 et seq.

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- (b) Any amendatory petition shall be filed by the owner of real property within the township, said application petition being accompanied by a fee to be set by the township board. Petitions for amendments to the text of this chapter and/or the zoning map shall be filed with the township clerk and the fee paid to the township treasurer. The petition and supporting documentation shall be then transmitted by the township clerk to the chairperson of the planning commission for study and recommendation prior to a determination by the township board.
 - (c) If the nature of the proposed amendment is to rezone an individual property or several adjacent properties, then notice shall be provided as set forth in section 103 of Public Act No. 110 of 2006 (MCL 125.3103), with the exception that, if 11 or more adjacent properties are proposed for rezoning, then notice is not required to be mailed to the owners of those properties or to the owners or occupants of property within 300 feet of the properties, nor is it necessary for the notice to list the addresses of the individual properties.

(Ord. No. 26, § 20.01, 9-13-1990)

Sec. 40-99. Conditional rezoning.

- (a) Intent and purpose. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3405), by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer can be made either at the time the application for the rezoning is filed or at any later time during the rezoning process.
- (c) A conditional rezoning request shall be processed in the same manner as that required for a rezoning by the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and this chapter, except as modified by the requirements of this section.
- (d) The owner's offer of conditions shall be subject to the following:
 - (1) The offer may not purport to authorize uses or developments not permitted under the requested new zoning classification.
 - (2) Any use or development proposed as part of the offer that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such a use or development is ultimately granted in accordance with the provisions of this chapter.
 - (3) Any use or development proposed as part of the offer that would require a variance under the terms of this section may only be commenced if a variance for such a use or development is ultimately granted in accordance with the provisions of this section.
 - (4) Any use or development proposed as part of the offer that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such a use or development is ultimately granted in accordance with the provisions of this section.
- (e) In addition to any other informational requirements required for a rezoning by this section, the applicant shall provide the following information:
 - (1) The offer shall be in writing and provide the specific conditions to be considered by the township as part of the rezoning request.
 - (2) The township may require, as part of a conditional rezoning request, a site plan or other additional information as the township requires to properly consider the request.

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- (f) The township board shall consider the requested rezoning as otherwise required by this section and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and may approve or deny the conditional rezoning request. If the conditional zoning request is received after the planning commission has conducted a public hearing on the rezoning, the township board may request a recommendation from the planning commission regarding the request.
- (g) If the township board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions, acceptable to the owner and conforming in form to the provisions of this section. The statement of the conditions shall be incorporated by attachment and/or otherwise as an inseparable part of the ordinance amendment adopted by the township board to accomplish the rezoning. The statement of conditions shall:
- (1) Be prepared by the township attorney.
 - (2) Be in a form recordable with the register of deeds for the county or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared by the township attorney and signed by the property owner, giving notice of the statement of conditions.
 - (3) Contain a legal description of the land to which it pertains.
 - (4) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land and others with an interest in the land.
 - (5) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions.
 - (6) Contain a statement acknowledging that the statement of conditions, or an affidavit or memorandum giving notice thereof, shall be recorded by the township with the county register of deeds.
 - (7) Contain the notarized signatures of all the owners of the subject property, preceded by a statement attesting to the fact that they voluntarily offered consent to the provisions contained within the statement of conditions.
 - (8) The statement of conditions or affidavit or memorandum giving notice thereof shall be filed with the county register of deeds. The township board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or any subsequent owner of the land.
- (h) Upon the effectiveness of the amendment effectuating the rezoning, the use of the land so rezoned shall conform thereafter to all the requirements regarding use and development within the new zoning district, as modified by any of the provisions of the statement of conditions.
- (i) Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this chapter.
- (j) The township may establish a time period during which the conditions contained within the statement of conditions must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification as provided by the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The reversion process shall be initiated by the township board and shall follow the same process as otherwise required by this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.) for a rezoning of property. The time limits specified and approved by the township may be extended upon the application of the owner and approval by the township board.

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- (k) Nothing in the statement of conditions nor in the provision to this section shall be deemed to prohibit the township from rezoning all or any portion of the land that is subject to a statement of conditions to another rezoning classification.

(Ord. of 6-12-2008, § 1(2))

State law reference(s)—Use and development of land as condition to rezoning, MCL 125.3405.

Secs. 40-100—40-125. Reserved.

DIVISION 4. ENFORCEMENT AND PENALTIES

Sec. 40-126. Public nuisance.

Any building or structure which is erected, altered or converted, or any use carried on in violation of any of the provisions of this chapter or in violation of any regulations made under the authority of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), are hereby declared to be a public nuisance per se and shall be abated by order of a court of competent jurisdiction.

(Ord. No. 26, § 23.01, 9-13-1990)

State law reference(s)—Certain violations as nuisance per se, MCL 125.3407.

Sec. 40-127. Presumption of civil infraction.

A violation of this chapter shall be deemed to be a municipal civil infraction.

(Ord. No. 26, § 23.02, 9-13-1990)

Secs. 40-128—40-135. Reserved.

DIVISION 5. SITE PLAN REVIEW

Sec. 40-136. Site plan review.

- (a) *Intent.* The intent of this section is to provide for consultation and cooperation between the developer and the township so as to realize maximum utilization of land and minimum adverse effects upon the surrounding land uses. Through application of these provisions, compliance with the master plan of the township will be ensured, and the township will develop in an orderly fashion consistent with its health, safety and welfare.
- (b) *Required review, approval, and exceptions.*
- (1) *Existing uses and structures.* Site plan review and approval is required for an alteration to existing uses or structures, where an alteration to the existing use or structure would result in one of the following:
- a. An increase or reduction of the floor area of a structure or land area occupied by the use.
 - b. A change of use, even if the change of use is permitted in the subject zoning district.

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- (2) *Proposed uses and structures.* Site plan review and approval is required for all proposed uses and structures within the township.
- (3) *Exemptions.* The following shall be exempt from the requirements of this section.
- a. Individual single family dwellings and other structures that are accessory to individual single family dwellings.
 - b. Farm buildings and structures where they conform to and are regulated by an applicable Generally Accepted Agricultural Management Practice (GAAMP) as adopted and published by the Michigan commission of agriculture. Further, such buildings and structures shall be exempt from the site plan approval process only as to those details, regulations and requirements which are specifically delineated and set forth in the applicable GAAMP.
- (c) *Commencement of development and conformity with site plan.*
- (1) No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a site plan is approved in accordance with this section.
 - (2) All development and construction shall be in complete conformity with the site plan as approved. A building permit may be issued after satisfying all of the following:
 - a. Approved application and final site plan is filed with the building department.
 - b. Any and all conditions of said approval are met.
 - c. Performance guarantee, where required, is executed with the township and funds or letter of credit are deposited with the township in conformance with section 40-35 of this chapter.
- (d) *Expiration and amendments to approved final site plan.*
- (1) Final site plan approval is valid for a period of 18 months from the date of township planning commission approval (or township board approval when required) within which time final engineering review shall take place and all necessary building or construction permits shall be secured and construction commenced. The township supervisor or his designee may grant extensions of final site plan approval upon good cause shown. The township supervisor or his designee has the discretion to request the planning commission or the township board, in the case of applications and site plans requiring township board review, to review the request for a site plan extension. The township supervisor or his designee shall provide a report to the planning commission on each site plan approval extension including the rationale for granting the extension. No single extension shall be granted for a period of more than one year, and multiple extensions are allowed. All requests for extensions shall be made in writing and include a statement of why the extension is necessary and confirmation of the ability to complete construction in conformity with the final site plan as approved.
 - (2) Amendments to an approved site plan shall be processed as follows:
 - a. Changes to an approved site plan shall require an amendment to the site plan approval, which amendment shall follow all procedural steps required for an original site plan, except as allowed in this subsection.
 - b. An applicant may request administrative approval of a minor change to the approved site plan as outlined below. For such a request, the applicant shall submit an application to the township for such approval.
- (e) *Type of review required.* When required, site plan review shall follow one of the review procedures provided below.

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- (1) *Administrative review.* Site plans may be reviewed and approved by a site plan committee without action by the planning commission or township board, pursuant to subsection 40-136(h)(1), when the site plan is in compliance with all ordinance requirements and any conditions of approval, and when one or more of the following circumstances are found:
- a. Expansion or reduction to an existing or proposed structure or use of 3,000 square feet or less or 15 percent of the floor area of the structure, whichever is less.
 - b. Provision for additional or reductions in parking or loading/unloading spaces proposed to bring the site toward conformance with current parking and loading/unloading requirements.
 - c. Site (grade) elevations and stormwater management requirements may be altered so long as the overall drainage is not affected.
 - d. Improvements to site access or circulation such as, without limitation, inclusion of pedestrian or bicycle paths, curbing, acceleration, or deceleration lanes.
 - e. Modifications to existing and/or approved landscaping or screening, provided that the modified landscaping and/or screening meets the applicable standards of this section and any conditions of approval.
 - f. New signage, or modifications to location and/or substitution of materials for signage, taking into consideration any adverse effect on traffic safety.
 - g. Other items deemed minor or consistent with the intent of this section, as determined by the site plan committee.
- (2) The committee shall follow this process in considering any request for a minor site plan amendment:
- a. The zoning administrator or site plan committee is authorized to employ the township planner, township engineer, or township attorney, or other experts to assist in review of special land use amendments under this section.
 - b. Review and actions. The committee shall review the proposed amendment and shall be entitled to make reasonable inquiries of and receive answers from the applicant. One of the following actions shall be taken by a majority vote of the committee after review of the plan:
 1. Upon finding that the application and proposed amendment meet the criteria of this section and other applicable ordinances, policies or standards, the committee shall approve the amendment.
 2. Approval with minor revision. Upon finding that the application and proposed amendment meet the criteria of applicable ordinances, policies or standards except for minor revisions which can be made and confirmed without further technical review the committee may approve the amendment conditioned upon said revisions being made. The zoning official shall verify that such revisions have been made prior to any site changes or issuance of building permits.
 3. Postponing action. Upon finding that the proposed special land use amendment does not, but could, meet the requirements upon the making of revisions, confirmation of which requires further review, the committee may postpone action until such time as the proposed amendment is revised.
 4. During administrative review, a majority of the committee may elect to have any request for administrative special land use amendment approval reviewed under the full special land use process when it finds such review would better meet the intent of this section.

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5. Upon finding that the application and proposed amendment do not meet one or more of the criteria of this section and other applicable ordinances the committee shall deny approval.
- (3) *Full site plan review.* If a project does not qualify for administrative review it shall be reviewed and approved by the planning commission, pursuant to full site plan review procedures detailed in subsection 40-136(h)(2). Full site plan review is a four step process consisting of pre-application review, preliminary plan review, final site plan review and final engineering review.
- (f) *Criteria of site plan review.* Administrative and full site plans shall be reviewed and approved upon a finding that the following conditions are met:
- (1) The proposed use will not be injurious to the surrounding neighborhood.
 - (2) There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas and provisions have been made for acceleration, deceleration and passing lanes or approaches so as to preserve the safety and convenience of pedestrian and vehicular traffic.
 - (3) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
 - (4) It provides for proper development of roads, easements and public utilities and protects the general health, safety, welfare and character of the township.
 - (5) It meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, stormwater holding facilities, parking lots, driveways, water mains, sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the township engineers and set forth in the township design and construction standards.
 - (6) Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency service access by some practical means to all sides where possible. All driveways and parking lot lanes necessary to provide emergency access shall be a minimum of over 18 feet in width. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
 - (7) Natural resources will be preserved to the maximum extent possible in the site design by development in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater and woodlands.
 - (8) The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.
 - (9) The proposed development will not cause soil erosion or sedimentation.
 - (10) Stormwater management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site.
 - (11) Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or groundwater quality.
 - (12) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.

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- (13) The proposed use is in compliance with all township ordinances and any other applicable laws, except as otherwise expressly allowed in this section.
 - (14) Buildings, parking, drives, landscaping and other improvements on the site are appropriate and consistent with good design standards for the lot size, shape, general location, and consistent with and/or an enhancement of area buildings and properties.
 - (15) Landscaping, including ground covers, trees, shrubs and other vegetation, is provided in areas disturbed by construction, to maintain the natural character of the area and improve the aesthetic quality and environmental functioning of the site and area.
 - (16) Deviations from the minimum setbacks found in this article may be allowed for preexisting legal nonconforming structures, provided that the proposed deviation does not increase the existing nonconformity and that the planning commission has made the following affirmative determinations:
 - a. The preexisting structure was, at the time of site plan approval, a legal nonconforming structure as described in section 40-931.
 - b. The proposed building setback in the proposed site plan will not have any material adverse impact on the proposed development or any adjoining parcels or infrastructure.
- (g) *Information required for site plans.* All site plans shall be submitted in digital and paper format. For paper submittal, sheet size shall be 24-inches by 36-inches with plan view drawn to a scale found on the U.S. Standard Engineers Scale. Where the size of a project requires more than one 24-inch by 36-inch sheet at a one inch equals 100 feet scale or a larger scale (lower number) is needed for clarity or detail, more than one 24-inch by 36-inch sheet shall be used with match lines clearly shown. Plan sheets shall be clearly drawn so that all information is legible and not obscured by other plan information.
- (1) *Administrative review.* At the direction of the administrative site plan committee, any information required in section 40-136(g)(2)c. information required on site plan, may be required for administrative site plan approval. However, at a minimum, submissions of a site plan shall include the following information:
 - a. Proprietors', applicants', and owners' names, addresses and telephone numbers.
 - b. Date (month, day, year), including revisions.
 - c. Title block and scale.
 - d. North point.
 - e. Proposed and existing structures, utilities, parking areas, etc. on the parcel, shown on a scaled drawing of a previously approved site plan may be used to demonstrate this information.
 - f. Proposed grading and resulting changes to stormwater facilities.
 - (2) *Full site plan review.* The following information shall be required for each step of the full site plan review process.
 - a. *Pre-application review.* Plans submitted for pre-application review are to be conceptual in nature with enough information to properly illustrate the development concept and to accomplish a productive meeting.
 - b. *Preliminary site plan review.* Every preliminary plan submitted to the planning commission shall include the following information:
 1. The general description, location, size and shape of the property involved.
 2. The general shape, size and location of proposed buildings, parking areas and service drives, loading zones, location of existing and proposed streets serving the property, and

natural features including, but not limited to, general topography, soils, wetlands, wooded areas, native plant community types, tree rows and water bodies.

3. The general location and type of all existing and proposed stormwater and sewage treatment systems serving the property.
 4. A written explanation or analysis of how the development and its concept will comply with the criteria of site plan review found in subsection (f) of this section.
 5. Any other information deemed necessary to properly illustrate the development concept.
- c. *Final site plan review.* Plans submitted for final site plan review shall contain all of the following data and any other information that will assist the township in determining compliance with the criteria of site plan review. The minimum information as listed below shall be provided for review:
1. General information.
 - (i) Proprietors', applicants' and owners' names, addresses and telephone numbers.
 - (ii) Date (month, day, year), including revisions.
 - (iii) Title block.
 - (iv) Scale.
 - (v) North point.
 - (vi) Location map showing proximity to major thoroughfares and section corners with north point indicated.
 - (vii) Architect, engineer, surveyor, landscape architect, or planner's seal.
 - (viii) Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within 100 feet of the site.
 - (ix) Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within 100 feet of the site.
 - (x) Centerline and existing and proposed right-of-way lines of any street.
 - (xi) Zoning classification of petitioner's parcel and all abutting parcels.
 - (xii) Gross acreage figure.
 2. Physical features.
 - (i) Acceleration, deceleration and passing lanes and approaches.
 - (ii) Proposed locations of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
 - (iii) Location of existing and proposed service facilities above and below ground, including:
 - A. Well sites.
 - B. Septic systems and other wastewater treatment systems. The location of the septic tank and the drainfield (soil absorption system) should be clearly distinguished. Wastewater treatment systems process should be explained.

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- C. Chemical and fuel storage tanks and containers.
 - D. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - E. General location and concept of on-site utilities (both above and below ground) including water, wastewater system, and stormwater systems.
 - F. Preliminary calculations for stormwater facilities. Enough detail must be provided to determine the location and type of stormwater treatment proposed and the area needed for these facilities.
 - G. Location of all easements.
- (iv) All buildings with dimensioned floor plans, setbacks and yard dimensions and elevation views, of all sides of the building, including all roof-mounted mechanical units and screening, exterior materials and colors, including demonstration that the provisions of section 40-821 architectural and site design standards are met.
 - (v) Dimensional parking spaces and the calculations, drives and method of surfacing.
 - (vi) Exterior lighting locations and illumination patterns.
 - (vii) Location and description of all existing and proposed landscaping, berms, fencing and walls.
 - (viii) Trash receptacle pad location and method of screening.
 - (ix) Transformer pad location and method of screening.
 - (x) Dedicated road or service drive locations.
 - (xi) Entrance details including sign locations and size.
 - (xii) Designation of fire lanes.
 - (xiii) Any other pertinent physical features.

3. *Natural features.*

- (i) Soil characteristics of the parcel.
- (ii) Existing topography with a maximum contour interval of two feet on parcels of more than one acre. Topography on the site and beyond the site for a distance of 100 feet in all directions shall be indicated.
- (iii) General grading plan correlated with existing topography so as to clearly indicate all areas of grading.
- (iv) Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
- (v) Location of existing wetlands.
- (vi) Location and identification of natural resource features, including woodlands and other native plant communities, and areas with slopes greater than ten percent (one foot of vertical elevation for every ten feet of horizontal distance). Parcels that are located within the priority resource protection areas may be

required to collect additional information about the site's natural features, as described in section 40-892.

- (vii) Location of invasive species. If found, an Invasive Species Management Program per Article V Invasive Species Control shall be provided.

4. *Additional requirements for multiple-family, cluster and PUD developments.*

- (i) Density calculations by type of unit by bedroom counts.
- (ii) Designation of units by type and the number of units in each building.
- (iii) Carport locations and details where proposed.
- (iv) Specific amount and location of recreation spaces.
- (v) Type of recreation facilities to be provided in recreation space.
- (vi) Details of community building and fencing of swimming pool if proposed.

5. *Additional requirements for commercial, office, and industrial developments.*

- (i) Loading/unloading areas.
- (ii) Total and useable floor area.
- (iii) Number of employees in peak usage.

d. *Final engineering review.* Plans submitted for final engineering review shall contain the following plans and information:

- 1. All site plan information as approved by the planning commission or township board (as required).
- 2. All additional detailed engineering information as required by the Springfield Township Design and Construction Standards.
- 3. All data and information submitted for outside agency review.
- 4. All outside agency approval letters and/or permits.

(h) *Site plan review procedures.*

(1) *Administrative review.* A minor site plan amendment may be reviewed administratively and approved by a site plan committee (committee), without action by the planning commission or township board. The committee shall be composed of a three-person committee consisting of the township supervisor, the chairperson of the planning commission, and the township board representative to the planning commission. Should one of the officials listed above not be available one or more of the following alternates may serve on the committee: Township clerk or the vice chair of the planning commission. The committee must be made up of at least one board member and one planning commissioner. The committee shall review the plan subject to all of the criteria, requirements and standards set forth in this article and the following standards:

- a. The zoning official or site plan committee is authorized to employ the township planner, township engineer, township attorney or other experts to assist in the review of site plans submitted under this section.
- b. The committee shall consider the criteria set forth in section 40-136(f) in the review of the site plans submitted under this section.

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- c. During administrative review a majority of the committee may elect to have any administrative site plan reviewed as a full site plan when it finds such a review would better meet the intent of this section. Full site plan shall follow the provisions of section 40-136(h)2.
 - d. *Review and approval.* The committee shall review the administrative site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. One of the following actions shall be taken by a majority vote of the committee after review of the plan:
 - 1. *Approval.* Upon finding that the application and site plan meet the criteria of this section and other applicable ordinances, policies or standards, the committee shall approve the administrative site plan.
 - 2. *Approval with minor revision.* Upon finding that the application and site plan meet the criteria of site plan and other applicable ordinances, policies or standards except for minor revisions which can be made and confirmed without further technical review the committee may approve the administrative site plan conditioned upon said revisions being made. The zoning official shall verify that such revisions have been made prior to any site changes or issuance of building permits.
 - 3. *Postponing action.* Upon finding that the application and site do not, but could, meet the requirements upon the making of revisions, confirmation of which requires further review, the committee may postpone action until such time as the plan is revised.
 - 4. *Denial.* Upon finding that the application and site plan do not meet one or more of the criteria of this section and other applicable ordinances the committee shall deny approval of the administrative site plan.
 - e. *Notice of action.* A summary notice of the action of the committee shall be forwarded by the township to the applicant and shall be sufficient to satisfy the requirement of notice to the applicant.
- (2) *Full site plan review.* Full site plan review consists of four required steps: Pre-application review, preliminary site plan review, final site plan review, and final engineering review. In addition to the four required steps outlined below, potential applicants are encouraged to meet with township staff to review overall plan concept, zoning, and review procedures. Each step in the full site plan review process is outlined below:
- a. *Pre-application meeting and review.* Potential applicants shall present and discuss a conceptual site plan with township staff including the township planning administrator, township supervisor or designee, planning consultant, engineering consultant, and township attorney as necessary. The pre-application meeting will:
 - 1. Identify the applicant's contact information for all future communications.
 - 2. Familiarize the applicant with policy and procedural matters.
 - 3. Identify other approvals or permits required from outside agencies.
 - 4. Review the need for special steps, such as conditional use or variances.
 - 5. Allow the applicant and township staff to discuss the proposal and to revise the site plan concept and/or application, if needed, prior to submission.
 - 6. Review submission requirements, zoning, landscaping, engineering and architectural design issues.
 - 7. Identify relevant historical, cultural and physical land features.
 - 8. Review the overall idea and concept.

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9. Review aspects of plan that will require legal review by township attorney.
- b. *Preliminary site plan review.* The purpose of preliminary site plan review is to provide the applicant and the township planning commission the opportunity to review a generalized site plan, discuss the overall idea of the development project and to consider the project's compliance with the criteria of site plan review found in 40-136(f) and other applicable township ordinances, policies or standards. The township encourages all applicants to take advantage of preliminary review. Preliminary plan review is required for all principal uses permitted subject to special conditions (special land uses), all developments containing greater than 25,000 square feet of structures, and developments larger than two acres in size. Projects for which preliminary plan review is not required or requested are subject to review pursuant to the requirements of section 40-136(h)2. of this section, final site plan review. The following procedures shall apply to preliminary plan review:
 1. An application supplied by the township shall be filed along with the applicable fee, plans and other documents with the township. The number of plans and other documents to be submitted shall be specified on the application.
 2. Upon receipt of an application for preliminary plan review, the township shall transmit the application, preliminary documents and plan to the township planner and township engineer. The planner's and engineer's reviews shall be limited to reviewing the required information found in section 40-136(g)(2)(b) for compliance with township zoning standards. Review of the preliminary plan shall be scheduled at a regular planning commission meeting in accordance with township policy.
 3. The planning commission shall review the preliminary plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant review, the clerk shall provide the applicant with the official minutes of the meeting, which shall reflect the planning commission review comments.
 4. Where review by the township board is required by this chapter, the board shall review the preliminary plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the township shall provide the applicant with the official minutes of the meeting, which shall reflect township board review comments.
 5. Preliminary plans not requiring special land use shall become null and void unless a final site plan review is submitted to the township within six months of concept review by the planning commission. Preliminary plans requiring special land use shall conform to the special land use provisions of this chapter.
 - c. *Final site plan review.* After preliminary site plan review, a final site plan may be submitted. A final site plan review shall be required for the purpose of presenting a detailed site plan to the township for review. The following procedures shall be followed:
 1. *Checklist review.* Upon filing with the township of three copies of an application, proposed site plan, other applicable information and applicable fees, a checklist review, to determine if all of the information required by section 40-136(g)(2)c. of this section is supplied, shall be conducted as follows:
 - (i) The person designated by the township shall perform a checklist review and notify the applicant in writing whether the proposed site plan contains all of the required information, or if not, the nature of information required to be submitted.
 - (ii) If a proposed site plan is incomplete, the applicant will be asked to prepare a new site plan to address deficiencies and submit it for another checklist review.

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2. *Technical review.* The purpose of technical review is to secure written comments and recommendations on a proposed plan from the planner, engineer and, attorney as needed. The township shall review those comments and recommendations, along with the proposed plan, for conformance with the criteria for site plan review in section 40-136(f) of this section, other applicable ordinances, regulations, standards, policies or laws. The applicant shall submit to the township the number of copies of the site plan, application and other required information specified on the application after receiving the township's checklist review indicating the application and information is complete. The applicant shall also submit plans to any county, state or federal agencies having jurisdiction and request that a copy of their review comments for compliance with agency rules, policies or laws is forwarded to the township. A copy of the transmittal letter forwarding plans to the agencies shall be included with the technical review application information submitted to the township. The following technical review procedure shall be met:
- (i) Copies of the plans, documents and township checklist review shall be forwarded to the planner, engineer, and attorney (as necessary) for review.
 - (ii) The consultants shall review the plans and other information submitted for compliance with applicable ordinances, policies, laws and standards and shall furnish written comments, opinions and recommendations to the township, the applicant and the applicant's plan preparer within 14 days of plan submission. Detailed review of the design and construction standards will occur at the final engineering review stage.
 - (iii) After the township receives written responses from the planner and engineer, the plan may be scheduled for the required staff review meeting.
3. *Staff review meeting.* After technical review, a staff review meeting is required prior to placement on an agenda of the planning commission as outlined below.
- (i) The review is conducted by the staff review team together with the applicant and will review and discuss comments provided by the township consultants technical review to determine if the plan is complete and may proceed to the planning commission for review.
 - A. Review the need for special steps, such as special land use or variances.
 - (ii) The staff review team may meet as frequently as twice each month and shall include any combination of the following staff members as necessary for the review of the project: Township planning administrator, township supervisor or designee, planning consultant, engineering consultant, and township attorney as necessary.
 - (iii) The staff review team shall make a determination if the site plan is complete. If the plan is incomplete based on the consultants reviews, the applicant will be directed to make revisions and resubmit for an additional staff review meeting. Consultant reviews of the resubmittal shall be completed within ten days of plan resubmission.
 - (iv) If the staff review team makes the determination that the application is administratively complete, the township staff will:
 - A. Schedule the application on the planning commission's next available meeting agenda.
 - B. Track project progress.

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4. *Planning commission review.* Upon successful completion of technical review and the required staff review meeting, the site plan will be scheduled for a regular planning commission business meeting. The purpose of planning commission review is to take one of the following actions:
- (i) *Approval.* Upon finding that the application and site plan meet the criteria of site plan review in section 40-136(f) of this section and other applicable ordinances, policies or standards, the planning commission shall approve the final site plan or, if required, recommend approval by the township board.
 - (ii) *Approval with minor revision.* Upon finding that the application and site plan meet the criteria of site plan review in section 40-136(f) of this section, and other applicable ordinances, policies or standards except for minor revisions which can be made and confirmed without further technical review by the engineer, planner and reviewing agencies, the planning commission may approve the final site plan or recommend approval by the township board, conditioned upon said revisions being made. The township shall verify that such revisions have been made prior to any site changes, issuance of building permit or submission of the plan to the township board.
 - (iii) *Tabling.* Upon finding that the application and site do not, but could, meet the requirements upon the making of revisions, confirmation of which requires further technical review by the engineer, planner and/or reviewing agencies, the planning commission may table action until such time as the plan is revised and applicable technical review provisions have been completed.
 - (iv) *Denial.* Upon finding that the application and site plan do not meet one or more of the criteria of site plan review in section 40-136(f) of this section and other applicable ordinances, policies or standards and that revisions necessary to meet said criteria are so extensive as to require the preparation of a new site plan, the planning commission shall deny approval or recommend denial by the township board.
 - (v) *Notice of action or recommendation.* A copy of the planning commission minutes shall be forwarded by the township to the applicant and shall be sufficient to satisfy the requirement of notice to the applicant.
5. *Township board review.* The following procedures shall be met:
- (i) Township board review of a site plan shall only be required under the following circumstances:
 - A. For all special land uses.
 - B. For all condominium developments.
 - (ii) If a final site plan is required to be submitted to the township board, the following procedures shall be followed:
 - A. *Planning commission denials.* Where the planning commission has recommended denial of an application and site plan, the township shall not place that application and site plan on a township board agenda for action unless the applicant files a written request for township board consideration with the township. Said request shall contain the applicant's reasons in support of a finding by the township board that the

criteria of site plan review in section 40-136(f) of this section have been met, despite the planning commission finding to the contrary.

- B. *Planning commission approvals.* Where the planning commission has approved or conditionally approved an application and site plan, the township shall schedule them for a township board meeting in accordance with township policy.
 - C. *Township board action.* Based upon the criteria of site plan review in subsection (f) of this section and other applicable ordinances, policies or standards, and after considering the planning commission findings and applicant's position regarding satisfaction of those criteria, the township board may approve, approve with conditions, refer back to the planning commission, table or deny the application and site plan, with any conditions of approval or reasons for denial to be furnished to the applicant in writing by the township. A copy of the Township board minutes is sufficient for this purpose.
 - D. *Official record.* Upon approval or conditional approval of an application and site plan, the township shall note on at least one copy of the application and plan, the date and any conditions of approval, which shall be the official township permanent record.
- d. *Final engineering review.* After planning commission approval, and township board approval (when required) the following procedures shall be met:
- 1. The final engineering review will:
 - (i) Confirm compliance with all township engineering standards (design and construction standards).
 - (ii) Confirm that issues still open with any outside agency are resolved.
 - (iii) Confirm that all conditions made by the planning commission have been met.
 - 2. Final engineering is the final step in the site plan approval process. If changes to the site plan are required as a result of the engineer's final review, the site plan shall be resubmitted to the township for review by the approving body pursuant to section 40-136(h)(2).

(Ord. No. 26, § 18.07, 9-13-1990; Ord. of 10-9-2008, § 1(10); Ord. of 12-11-2008(2), § 1(8—11); Ord. of 3-11-2010, § 1; Ord. of 4-14-2011(1), § 1; Ord. No. 2014(3), § 1, 8-14-2014; Ord. No. 2018(5), § 1, 8-9-2018; Ord. No. 2019(1), § 1, 1-10-2019; Ord. No. 2020(3), §§ 1—3, 10-8-2020)

State law reference(s)—Submission and approval of site plan, MCL 125.3501.

Secs. 40-137—40-144. Reserved.

DIVISION 6. SPECIAL LAND USES

Sec. 40-145. Standards for approval of special land uses.

- (a) *Special land uses.* Special land uses, as used herein, shall refer to such principal uses permitted subject to special conditions enumerated in the several zoning districts based upon a review and recommendation by

the planning commission and approval by the township board. On application for a special land use, the planning commission and township board may grant approval for such uses as are specified in the several zoning districts as requiring special permission. In addition to requiring compliance with the general minimum requirements specified for such uses in the zoning district in which the use is located and those found elsewhere in this chapter, plus special conditions expressly imposed for such use, the planning commission may recommend, and the township board approve, specific conditions with respect to approval of the special land use as it shall deem necessary to meet the standards of this section and the intent of this chapter. The planning commission and the township board, in arriving at this recommendation and decision relative to any application for a special land use, shall apply the following standards:

- (1) The proposed use shall be of such location, size and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
 - (2) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood. In applying this standard the planning commission and township board shall consider, among other things: convenient routes for pedestrian traffic, the relationship of the proposed use to main traffic thoroughfares and to street and road intersections, the general character and intensity of the existing and potential development of the neighborhood, and relationship to the township master plan. The planning commission and township board shall determine that the proposed use will not have a detrimental effect.
 - (3) Unless a variance is granted, the standards of density and required open spaces for the proposed use shall be at least equal to those required by this chapter in the zoning district in which the proposed use is to be located. After the granting of approval of a special land use by the township board, the zoning board of appeals shall also have the power to grant variances as provided by this chapter.
 - (4) The public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - (5) Protection of the natural environment and conservation of natural resources and energy.
 - (6) Compatibility with adjacent uses of land and promotion of the use of land in a socially and economically desirable manner.
 - (7) The planning commission and township board shall find that the foregoing standards are substantially met by the applicant and shall so set forth in their official record of the proceedings.
- (b) *Application and fee.* Application for any special land use permissible under the provisions of this chapter shall be made to the township clerk by filing an application and the required fee.
- (c) *Site plan requirements.*
- (1) Pre-application meeting and review. A pre-application meeting shall be required for each proposed special land use request. The pre-application meeting shall follow the procedures set forth in section 40-136(h)(2)a.
 - (2) *Preliminary site plan.* An application for a special land use under section 40-594, cluster housing regulations, shall include a preliminary site plan and all other required information in conformance with section 40-594(e). An application for all other special land use requests shall include a preliminary site plan and all other required information in conformance with section 40-136(g)(2)(b). Procedures for preliminary site plan review set forth in section 40-136(h)(2)(b) shall be followed.

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- (3) *Final site plan.* Upon approval of the special land use the applicant shall be authorized to submit a final site plan. Procedures for final site plan review, in conjunction with the special land use review, set forth in section 40-136(h)(2)(c) shall be followed, and the information set forth in section 40-136(g)(2)(c).
- (d) *Review procedure.*
- (1) *Planning commission action.* The planning commission shall review the application for a special land use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The planning commission may request additional information it deems necessary to make a decision. The planning commission shall recommend approval, approval with conditions or denial of the application for a special land use permit and shall transmit its recommendations, to the township board. The information provided to the township board shall contain the planning commission's analysis of the application in relation to the required standards and findings, and shall include a summary of the findings made as a result of the public hearing.
- (2) *Township board action.* The township board shall review the recommendation of the planning commission and shall approve, approve with conditions, or deny an application for a special land use permit. The township board's decision, the basis for the decision, and all conditions imposed shall be described in a written statement, which shall be made a part of the record of the meeting at which action is taken.
- (e) *Public hearing.*
- (1) A single public hearing on the request for special land use approval shall be held before the planning commission.
- (2) In all cases where the township is required to make a discretionary decision on a special land use or activity, the township shall give notice of a request for a special land use or activity. The notice of public hearing shall be given as set forth in Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- (3) The notice of public hearing shall:
- a. Describe the nature of the special land use request.
 - b. Describe the property which is the subject of the special land use request.
 - c. State the date, time, and place of the public hearing.
 - d. Indicate when and where the written comments will be received concerning the request.
- (f) *Final township board action.* Upon review of the application and preliminary site plan in accordance with the standards established in section 40-594(a) through (c) for cluster housing projects and in subsection (a) of this section for all other special land uses, findings of the public hearing held in accordance with subsection (d) of this section, and the requirements of other provisions of this chapter as they apply to the proposed special land use, the township board shall approve, approve with conditions, or deny the special land use.
- (1) Upon review of the special land use application and preliminary site plan, the township board may require reasonable conditions necessary to accomplish compliance with the special land use standards and to minimize impact on adjacent uses.
- (2) Conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon mutual consent of the township and the landowner.
- (3) Any approval of a special land use shall require submittal and approval of a final site plan prepared in accordance with section 40-136, including any conditions of approval attached to the approved preliminary plan.

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- (g) *Expansion or alteration of a special land use.* Expansion or alteration of a special land use shall be considered an amendment to such use and subject to the review and approval of the township in accordance with all procedures and standards set forth herein.
- (h) *Voiding of special land use permit.*
- (1) Special land use approval becomes null and void unless a site plan is submitted within 12 months and approved within 24 months of township board special land use approval.
 - (2) Any special land use and final site plan granted under this section shall become null and void unless construction and/or use is commenced within 12 months of township board approval.
 - (3) Special land use and/or final site plan review and the deadline for commencement of construction may be extended for up to 12 months upon written request to the township board. All requests shall include a statement of why the extension is necessary and provide confirmation of the ability to complete construction in conformity with the approved site plan.
 - (4) A violation of a requirement, condition or safeguard shall be considered a violation of this chapter and grounds for the township to terminate and cancel approval of such special land use.
- (i) *Administrative approval of minor amendments.*
- (1) An amendment to a special land use may be reviewed administratively and approved by the site plan committee described in section 40-136(h)(1), when the amendment is in compliance with all ordinance requirements and any conditions of approval, the committee determines the amendment is minor or incidental, and one or more of the following circumstances are found:
 - a. An expansion or reduction to a structure under construction, or use of 1,000 square feet or less or ten percent of the floor area of the structure, whichever is less.
 - b. Provision for additional, or reductions in, parking or loading/unloading spaces proposed to bring the site toward conformance with current parking and loading/unloading requirements.
 - c. Site (grade) elevations and stormwater management requirements may be altered so long as the overall drainage is not affected.
 - d. Improvements to site access or circulation such as, without limitation, inclusion of pedestrian or bicycle paths, curbing, acceleration, or deceleration lanes.
 - e. Modifications to approved landscaping or screening, provided that the modified landscaping and/or screening meets the applicable standards of this section and any conditions of approval.
 - f. New signage, or modifications to location and/or substitution of materials for signage, taking into consideration any adverse effect on traffic safety.
 - g. Other items deemed minor or consistent with the intent of this section, as determined by the site plan committee.
 - (2) The committee shall follow this process in considering any request for a minor special land use amendment:
 - a. The zoning administrator or site plan committee is authorized to employ the township planner, township engineer, or township attorney, or other experts to assist in review of special land use amendments under this section.
 - b. The committee shall consider the criteria set forth in section 40-145(a) in review of a special land use amendment submitted under this section.

- c. Review and actions. The committee shall review the proposed amendment and shall be entitled to make reasonable inquiries of and receive answers from the applicant. One of the following actions shall be taken by a majority vote of the committee after review of the plan:
1. Upon finding that the application and proposed amendment meet the criteria of this section and other applicable ordinances, policies or standards, the committee shall approve the amendment.
 2. Approval with minor revision. Upon finding that the application and proposed amendment meet the criteria of applicable ordinances, policies or standards except for minor revisions which can be made and confirmed without further technical review the committee may approve the amendment conditioned upon said revisions being made. The zoning official shall verify that such revisions have been made prior to any site changes or issuance of building permits.
 3. Postponing action. Upon finding that the proposed special land use amendment does not, but could, meet the requirements upon the making of revisions, confirmation of which requires further review, the committee may postpone action until such time as the proposed amendment is revised.
 4. During administrative review, a majority of the committee may elect to have any request for administrative special land use amendment approval reviewed under the full special land use process when it finds such review would better meet the intent of this section.
 5. Upon finding that the application and proposed amendment do not meet one or more of the criteria of this section and other applicable ordinances the committee shall deny approval.
- d. Notice of action. A summary notice of the action of the committee shall be forwarded by the township to the applicant and shall be sufficient to satisfy the requirement of notice to the applicant.

- (3) If an amendment does not qualify for administrative approval, it shall be reviewed and approved in accordance with subsection 40-145(g).

(Ord. No. 26, § 18.08, 9-13-1990; Ord. of 12-11-2008(2), § 1(12); Ord. No. 2019(4), § 1, 3-14-2019; Ord. No. 2020(4), § 1, 10-8-2020)

State law reference(s)—Special land uses, MCL 125.3502 et seq.

Secs. 40-146—40-152. Reserved.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 40-153. Zoning districts—Established.

- (a) For the purposes of this chapter, the township is hereby divided into the following zoning districts:

RC	Resource Conservation
PR	Parks and Recreation District

PS	Public Service District
R-1-A	Suburban Estates District
R-1, R-2, and R-3	One-Family Residential Districts
RM, RM-1	Multiple-Family Residential District
RMH	Residential Mobile Home Park District
C-1	Local Business District
C-2	General Business District
O-S	Office Services
M-1	Light Industrial District
M-2	Heavy Industrial District
PUD	Planned Unit Development District
E-1	Extractive

(b) In addition, sections of the zoning districts in subsection (a) of this section may be located in floodplain and other water areas.

(Ord. No. 26, § 3.00, 9-13-1990)

Sec. 40-154. Zoning districts—Boundaries.

The boundaries of the zoning districts enumerated in section 40-153 are hereby established as shown on the zoning map which this text, and which map with all notations, references and other information shown thereon, shall be as much a part of this chapter as if fully described herein.

(Ord. No. 26, § 3.01, 9-13-1990)

Sec. 40-155. Zoning districts—Interpretation of boundaries.

Where, due to the scale, lack of details, or illegibility of the zoning map, there is any uncertainty, contradiction, or conflict as to the intended locations of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to the zoning board of appeals. The board in arriving at a decision on such matters shall apply the following standards:

- (1) The boundaries of zoning districts are intended to follow centerlines of alleys, streets or other rights-of-way, watercourses, or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are otherwise clearly indicated on the zoning map.
- (2) Where district boundaries are so indicated that they approximately follow lot of record line, such lines shall be construed to be boundaries.
- (3) In unsubdivided property, or where a district boundary divides a lot of record, the location of such boundary, unless shown by dimensions on the zoning map shall be determined by use of the map scale shown thereon.

(Ord. No. 26, § 3.02, 9-13-1990)

Sec. 40-156. District regulations—Application.

The regulations herein established within each zoning district shall be the minimum regulations for promoting the protection of the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. Wherever the requirements of this chapter are at variance with the requirements of any other adopted rules or regulations, ordinances, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

- (1) No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this chapter.
 - a. *Principal uses permitted.* Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts.
 - b. *Accessory uses and buildings.* Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses.
 - c. *Principal uses permitted subject to special conditions.* A use permitted subject to special condition is a use of land or buildings requiring some measure of individual consideration and therefore, shall be permitted subject not only to the minimum requirements specified for such use in the zoning districts in which such use is located and any applicable requirements found elsewhere in this chapter, but also after the submission of a site plan as set forth in section 40-136, review and recommendation by the planning commission and approval by the township board subject to any special conditions imposed by the board in granting approval. In evaluating and deciding each application for such special land use and imposing any special conditions upon approval of the same, the township board shall apply and base its decisions upon the standards contained in section 40-145 and any other applicable special conditions imposed in this chapter.
 - d. *Prohibited.* Any use not specifically allowed as a principal use permitted, as a permitted accessory use, or as a principal use permitted subject to special conditions, is prohibited.
- (2) No building shall hereafter be erected or altered except by appeal as herein described by this chapter, to:
 - a. Exceed the height limit specified for the district in which such building is located.
 - b. Occupy a greater percentage of lot area than is specified for the district in which such building is located.
 - c. Intrude upon the required front, rear, or side yards, as specified for the district in which such building is located.
 - d. Accommodate or house a greater number of families than is specified for the district in which such building is located.
 - e. Provide less living space per dwelling unit than is specified for the district in which such building is located.
- (3) No lot area shall be so reduced or diminished that yards and other open spaces shall be smaller than specified, nor shall the density of population be increased in any manner except in conformity with the area regulations, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.

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- (4) No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building.
 - (5) In all single-family residential districts, there shall be permitted only one principal building per lot, except as provided elsewhere in this chapter.
 - (6) Whenever any street, alley or other public way within the township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public right-of-way shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used as is permitted under this chapter for such adjoining lands.
 - (7) Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which the same shall attach or be adjacent and the same shall be used for the same purposes as are permitted under this chapter for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.
 - (8) Front yard setbacks are measured from the edge of the existing right-of-way. Where a parcel or lot is at an intersection, the setback shall be measured as the maximum requirement for the district considering each side as a front yard area.
 - (9) Measurements of setbacks from internal drives and streets. Where developments contain drives and streets without a recorded easement or right-of-way, setbacks shall be measured from a point 30 feet from the centerline of the drive or street.

(Ord. No. 26, § 3.03, 9-13-1990)

Sec. 40-157. District regulations—Conflicting regulations.

Wherever any provision of the chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such law or ordinance shall govern.

(Ord. No. 26, § 3.04, 9-13-1990)

Sec. 40-158. Conformance with other laws and ordinances.

Uses for enterprises or purposes that are contrary to federal, state, county or local laws or ordinances are prohibited.

(Ord. of 2-9-2012(2), § 1(3.05))

Secs. 40-159—40-182. Reserved.

DIVISION 2. RC RESOURCE CONSERVATION DISTRICT

Sec. 40-183. Intent.

It is recognized that the township has an abundance of significant natural resources and features. The RC Resource Conservation District is intended to provide for those uses of land that are compatible with the need to: protect and enhance vital township natural resources and amenities; fish and wildlife habitat; woodlands; wetlands and water resources; and encourage agricultural and other resource-based production.

(Ord. No. 26, § 4.00, 9-13-1990)

Sec. 40-184. Principal uses—Permitted.

The following shall be the principal uses permitted in the RC Resource Conservation District:

- (1) Nature trails, botanical gardens, woodland preserves, or similar facilities provided such use does not result in a material modification of the natural appearance of the site.
- (2) Agriculture, farming, keeping of livestock, horses, sheep, goats and/or similar animals subject to the provisions set forth in section 40-644.
- (3) Tree and shrub nurseries.
- (4) One-family detached dwellings.

(Ord. No. 26, § 4.01, 9-13-1990)

Sec. 40-185. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board under the standards contained in section 40-145.

- (1) Equestrian facilities, subject to the provisions of section 40-644(h).
- (2) Wildlife preserve, subject to the provisions of section 40-644(f).
- (3) Environmental education centers, subject to the provisions of section 40-622.

(Ord. No. 26, § 4.02, 9-13-1990; Ord. of 10-9-2008, § 1(2))

Sec. 40-186. Accessory uses permitted.

Accessory buildings and uses customarily incidental to the principal permitted and special uses enumerated in sections 40-184 and 40-185 are permitted. The township body responsible for site plan approval shall determine permitted accessory uses.

(Ord. No. 26, § 4.03, 9-13-1990)

Sec. 40-187. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings, the minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 26, § 4.04, 9-13-1990)

Secs. 40-188—40-212. Reserved.

DIVISION 3. PR PARKS AND RECREATION DISTRICT

Sec. 40-213. Intent.

It is recognized that the township has substantial land devoted to parks and recreational use. It is the intent of PR district to provide separate areas devoted strictly to parks and recreation lands and uses which encourage utilization of the township's recreational potential, while protecting and enhancing natural resources and amenities, fish and wildlife habitats, woodlands, wetlands, and water resources.

(Ord. No. 26, § 5.00, 9-13-1990)

Sec. 40-214. Principal uses—Permitted.

The following are the principal uses permitted in the PR Parks and Recreation District:

- (1) Passive parks, picnic grounds, nature trails, playgrounds, botanical gardens, and woodland preserves for outdoor recreation.
- (2) One-family detached dwellings provided such use is restricted to caretaker/ranger quarters or the administrator of park facilities.

(Ord. No. 26, § 5.01, 9-13-1990)

Sec. 40-215. Principal uses—Permitted subject to special conditions.

Park active recreation and the following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board under the standards contained in section 40-145.

- (1) Environmental education centers, subject to subject to the provisions of section 40-622.
- (2) Golf courses including accessory clubhouses, driving ranges, pro shops, maintenance buildings and recreational facilities, subject to subject to the provisions of section 40-623.
- (3) Equestrian facilities, subject to the conditions set forth in section 40-644(h).
- (4) Horseback riding trails and nonmotorized vehicle trails, subject to the following conditions:
 - a. If the trail is to be in a park or similar facility for outdoor recreation, or associated with an equestrian facility, the minimum site area shall be ten acres.
 - b. The site shall have direct accessibility to a paved public road. Off-street parking, loading and unloading shall be provided in accordance with the standards set forth in section 40-681, except that the requirements for hard-surfacing may be waived by the township.
 - c. Trails shall be located no nearer than 50 feet from any property line, or at least 100 feet from existing schools, churches, or residentially-zoned or used property. However, trails can access these areas if deemed appropriate by the township. The perimeter buffer shall be kept in its natural state.

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- d. Trail design shall not negatively impact sensitive natural features. Trails shall be located a minimum of 20 feet from wetlands and water features. If water crossings are necessary, bridges or other structures shall cause the least amount of environmental disturbance possible. Trail design shall protect steep slopes and not allow soil erosion.
 - e. Where riding is intended within or across a public road right-of-way, the township shall review the location and approve same to maximize safety to both riders, motorists, and others using the public road right-of-way.
 - f. Trails shall be marked with appropriate signage that clearly advises riders of trail rules, etiquette, yield hierarchy (if multiuse trail), and appropriate warnings such as to reduce speed or avoid skidding.
 - g. The property owner shall be responsible for maintaining the trails for safety and sound environmental stewardship, repairing eroded areas, and closing down trails if necessary to protect land and wildlife, and allowing areas to recover from high use.
 - h. Lighting at trail heads shall meet the requirements under section 40-888 for glare, illumination levels and fixture height. Lighting along trails is prohibited. Sound-producing equipment anywhere on the trail or at the trailhead is prohibited.
 - i. Hours of operation for trail use shall be limited to daylight hours.
- (5) Athletic fields, running tracks, and game courts for baseball, softball, football, soccer and other active sports, conditioned upon the following:
- a. The site shall have direct accessibility to a paved public road. Off-street parking, loading and unloading shall be provided in accordance with the standards set forth in section 40-681, except that the requirements for hard surfacing may be waived by the township.
 - b. Facilities shall be located a minimum of 100 feet from property lines abutting residentially zoned or used properties.
 - c. Hours of operation for outdoor sports facilities shall be limited to daylight hours.
- (6) Licensed, type II or type III campgrounds providing short-term living quarters on a daily, weekly, or seasonal basis, subject to the following:
- a. The minimum site area shall be 20 acres.
 - b. The site shall have direct accessibility to a paved public road.
 - c. A minimum 100-foot setback shall be established around the perimeter of the property for the purpose of buffering a public campground in relation to adjacent residentially zoned or used properties. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer a campground or recreational vehicle park in relation to surrounding properties, the township may require additional setback, landscaping, and/or berming.
 - d. Mobile homes shall not be permitted to be located within a campground, unless specifically permitted by the township.
 - e. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the state governing such uses.
- (7) Temporary campgrounds are strictly prohibited from the PR district, unless specifically permitted by the township.
- (8) Community recreation centers, subject to subject to the provisions of section 40-621.

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- (9) Wildlife preserve, subject to the provisions of section 40-644(f).
 - (10) Special events facilities.
 - a. The site shall have direct accessibility to a paved public road. Off-street parking, loading and unloading shall be provided in accordance with the standards set forth in section 40-681, except that the requirements for hard surfacing may be waived by the township.
 - b. A minimum 100-foot setback shall be required between all special events facilities and any adjacent residentially zoned or used property.
 - c. All storage, service and maintenance areas, when visible from adjoining residentially zoned or used land, shall be screened in accordance with the requirements set forth in section 40-721.
 - d. Permanent lighting and use of outdoor sound-producing equipment shall meet the provisions of sections 40-888 and 40-883. The use of additional event lighting shall be temporary. The use of temporary event lighting shall only be allowed between the hours of 8:00 a.m. and 11:00 p.m. In addition to the provisions herein, sound-producing equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments and recording devices, shall not be operated outdoors on the premises so as to be unreasonably loud or raucous, or so to be a nuisance or disturbance to the peace and tranquility of the citizens of the township. The use of sound-producing equipment shall only be allowed between the hours of 8:00 a.m. and 11:00 p.m.
 - e. Events held outdoors, in whole or in part, at such a facility are only allowed if specifically permitted by the township.
 - (11) Dog parks. Dog parks must be actively managed to ensure the health and safety of all human and animal visitors. A minimum 200-foot setback shall be required between the fence line of the dog park and any adjacent residentially zoned or used property.
 - (12) Commercial ventures incident to normal or approved activities in the PR district are permitted.

(Ord. No. 26, § 5.02, 9-13-1990; Ord. of 10-9-2008, § 1(3))

Sec. 40-216. Accessory uses permitted.

Accessory buildings and uses customarily incidental to the principal permitted and special uses enumerated in sections 40-214 and 40-215 are permitted. The township body responsible for site plan approval shall determine permitted accessory uses.

(Ord. No. 26, § 5.03, 9-13-1990)

Sec. 40-217. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings, the minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 26, § 5.04, 9-13-1990)

Secs. 40-218—40-242. Reserved.

DIVISION 4. PS PUBLIC SERVICE DISTRICT

Sec. 40-243. Intent.

It is recognized that the township has substantial land devoted to public service use and public facilities. It is the intent of the PS district to provide separate areas devoted strictly to public service uses which provide areas for government offices, libraries, and other facilities that are of service to the public but located in a compatible manner to neighboring uses.

(Ord. No. 26, § 5.00(a), 9-13-1990)

Sec. 40-244. Principal uses—Permitted.

The following shall be the principal uses permitted in the PS Public Service District:

- (1) Publicly owned and operated libraries, fire stations and other public safety facilities, museums and governmental offices, subject to the following conditions:
 - a. The site shall have direct accessibility to a paved public road.
 - b. A minimum 50-foot setback shall be required between the principal structure and any adjacent residentially zoned or used property.
- (2) Cemeteries, subject to the following conditions:
 - a. A 50-foot setback shall be required between a structure and any adjacent residentially zoned or used property, except that a minimum 100-foot setback shall be required between any maintenance building and/or yard and any adjacent residentially zoned or used property.
 - b. All storage, service and maintenance areas when visible from adjoining residentially zoned or used land shall be screened in accordance with the requirements set forth in section 40-721.
- (3) Public and private elementary, middle and high schools, subject to subject to the provisions of section 40-624.
- (4) Public utility buildings, such as telephone exchange buildings, electronic transformer stations and substations, gas regulator stations, and similar uses, but excluding storage yards, and only to serve the immediate vicinity as determined by the planning commission.
- (5) One-family detached dwellings provided such use is restricted to caretaker quarters of public facilities.

(Ord. No. 26, § 5.01(a), 9-13-1990)

Sec. 40-245. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board as set forth in section 40-156(2) under the standards contained in section 40-145.

- (1) Community recreation centers, subject to subject to the provisions of section 40-621.
- (2) Public works and maintenance facilities, subject to the following:
 - a. The site shall have direct access to a paved public road.
 - b. A minimum of 100-foot setback shall be required between any maintenance buildings and/or yard area and adjacent residentially zoned or used property.

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- c. All storage, service and maintenance areas when visible from adjoining residentially zoned or used land shall be screened in accordance with the requirements set forth in section 40-721.
- (3) Public utility buildings, such as telephone exchange buildings, electronic transformer stations and substations, gas regulator stations, and similar uses, but excluding storage yards, when intended to service customers beyond the immediate vicinity as determined by the township board, subject to the applicant demonstrating both of the following:
 - a. Operating requirements necessitate locating within the district.
 - b. No property where the use is already permitted as of right can be utilized for such use.
 - (4) Colleges, universities and other such institutions of higher learning, both public and private, offering courses in general, technical, or religious education, all subject to subject to the provisions of section 40-625.
 - (5) Public and private nursery and kindergarten schools, subject to subject to the provisions of section 40-626.
 - (6) Airports, aircraft landing strips and heliports, subject to the following conditions:
 - a. All Michigan Aeronautics Commission and Federal Aviation Administration requirements shall be met.
 - b. Existing residential density within a one mile radius shall not exceed one dwelling unit per five acres of gross area.
 - c. All buildings and all areas for the storage of aircraft shall be set back at least 500 feet from all property lines.
 - d. The commission shall find that the proposed use will not significantly change the character of the neighborhood or unreasonably reduce the value of nearby property.
 - e. The establishment of an airport, aircraft landing strip or heliport, shall not in any way conflict or overlap with flight patterns and approach areas of any other airport or landing field.

(Ord. No. 26, § 5.02(a), 9-13-1990)

Sec. 40-246. Accessory uses permitted.

Accessory buildings and uses customarily incidental to the principal permitted and special uses enumerated in sections 40-244 and 40-245 are permitted. The township body responsible for site plan approval shall determine permitted accessory uses.

(Ord. No. 26, § 5.03(a), 9-13-1990)

Sec. 40-247. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings, the minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 26, § 5.04(a), 9-13-1990)

Secs. 40-248—40-272. Reserved.

DIVISION 5. R-1-A SUBURBAN ESTATES DISTRICTS, R-1, R-2, AND R-3 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 40-273. Intent.

- (a) The R-1-A Suburban Estates Residential District and the R-1, R-2, and R-3 One-family Residential Districts are intended to provide areas for one-family dwelling units, together with certain residentially related facilities which are supportive of and compatible with a residential environment. Commercial and other uses which tend to be incompatible with this intent are prohibited.
- (b) The R-1-A and R-1 districts are intended to provide for low-density one-family residences while maintaining and preserving the township's open space, natural areas and rural environment. The R-2 and R-3 districts, which provide for greater density of one-family residences than the R-1-A and R-1 districts, are still intended to preserve the township's open space, natural areas and rural environment.
- (c) Agricultural and farming activities may also be permitted within the residential districts and the Suburban Estates Residential District on parcels and lots which are for adequate size to accommodate such uses in conjunction and/or separate from single-family residential uses.

(Ord. No. 26, § 6.00, 9-13-1990)

Sec. 40-274. Principal uses—Permitted.

The following uses shall be permitted, subject to any limitations described herein:

- (1) One-family detached dwellings.
- (2) Agricultural, farming, and maintenance of animals, subject to the provisions of section 40-644, maintenance of animals.
- (3) Parks, picnic grounds, nature trails, playgrounds, botanical gardens, woodland preserves, wildlife preserves or similar facilities for outdoor recreation.
- (4) Family child care homes.
- (5) Signs, as provided in section 40-751.
- (6) Public utility buildings, such as telephone exchange buildings, electronic transformer stations and substations, gas regulator stations, and similar uses (but excluding storage yards), but only to serve the immediate vicinity as determined by the planning commission.
- (7) State licensed residential facilities.

(Ord. No. 26, § 6.01, 9-13-1990; Ord. of 10-9-2008, § 1(4))

Sec. 40-275. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the

township planning commission and approval by the township board under the standards contained in section 40-145.

- (1) Two-family residential housing units may be permitted subject to the following:
 - a. The minimum lot area, dwelling unit size, lot coverage, and yard setbacks shall be maintained for each dwelling unit, within the structure as required by the single-family residential zoning district which applies to the land in question.
 - b. The standards set forth in section 40-638 shall be met.
- (2) Cluster housing, subject to the provisions set forth in section 40-594.
- (3) Golf courses including accessory clubhouses, driving ranges, pro shops, maintenance buildings and recreational facilities, subject to subject to the provisions of section 40-623, provided there is a minimum site area of 60 acres for nine holes and 120 acres for 18 holes.
- (4) Cemeteries, subject to the following conditions:
 - a. No building shall be located closer than 100 feet from any property line.
 - b. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.
- (5) Churches, subject to the following conditions:
 - a. The minimum lot area shall be three acres.
 - b. The principal building shall meet the required setback of the district in which the church is located, provided no principal building shall be located any closer than 50 feet from any property boundary.
 - c. The height of the principal building shall not exceed 35 feet. Buildings of greater than the maximum height may be permitted provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed. The height of steeples shall be subject to the provisions set forth in section 40-634.
- (6) Colleges, universities and other such institutions of higher learning, both public and private, offering courses in general, technical, or religious education, all subject to subject to the provisions of section 40-625.
- (7) Community recreation centers, subject to subject to the provisions of section 40-621.
- (8) Publicly owned and operated libraries, museums and governmental offices.
- (9) Athletic fields and game courts for baseball, softball, football, soccer and other active sports.
- (10) Public and private nursery and kindergarten schools, subject to subject to the provisions of section 40-626.
- (11) Public and private elementary, middle and high schools, subject to subject to the provisions of section 40-624.
- (12) Group child care homes, subject to the following conditions:
 - a. A group child care home shall be located no closer than 1,500 feet to any of the following facilities:
 1. Another licensed group child care home.

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2. A facility offering substance abuse treatment and rehabilitation service to seven or more people which is license by the state.
 3. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 4. Subsequent establishment of any of the aforementioned facilities within 1,500 feet of the licensed or registered group child care home will not affect any subsequent special land use permit renewal pertaining to the group child care home.
 5. Another adult foster care small group home or large home licensed under the Adult Foster Care Facility Licensing Act, Public Act No. 218 of 1979 (MCL 400.701 et seq.).
- b. The subject parcel shall meet all provisions of this chapter governing signage and off-street parking requirements.
 - c. The property shall be maintained in a manner that is consistent with the visible characteristics of the neighborhood.
 - d. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet.
 - e. The hours of operation shall not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the dropoff and pickup of children is not disruptive to neighboring residents.
 - f. Appropriate licenses with the state shall be maintained.
 - g. An application for approval of a group child care home shall not require a full site plan as described in section 40-136. The application shall instead include the following:
 1. An application form and fee as determined by the township;
 2. A written description of the project, which shall include:
 - (i) Hours and days of operation;
 - (ii) Number of employees;
 - (iii) The maximum number of children proposed to be cared for within the facility;
 - (iv) Number and location of parking spaces; and
 - (v) Pick up and drop off locations and procedures.
 3. A plan of the property where the group child care home will be located, in the form of a property survey, a neatly computer-generated or hand-drawn plan prepared to scale, or an aerial photograph. The plan shall include identification of property lines, parking, pick up and drop off locations, and play areas;
 4. A floor plan of the house showing all rooms, hallways, and ingress and egress points, including any location specific to the child care operation.
 5. The property plan and the floor plan shall be legible and contain all the information required, but do not need to be prepared by a professional engineer.
 6. Former subsection 40-275(12)(g). shall be re-lettered as subsection (h).

h. Subsections (12)a through f of this section shall constitute all the standards applicable to special land use approval for a group child care home. Any other standards in section 40-145 inconsistent with the standards of this section shall not be applicable.

(13) Day care centers, subject to subject to the provisions of section 40-627.

(14) Wildlife preserve in the R-1-A district only, subject to the provisions of section 40-644(6).

(15) Equestrian facilities in the R-1-A district only, subject to the provisions of section 40-644(8).

(16) Intensive livestock operations, subject to the provisions of section 40-644(7).

(17) Keyhole lake access, as provided under section 40-595.

(18) Public utility buildings, such as telephone exchange buildings, electronic transformer stations and substations, gas regulator stations, and similar uses (but excluding storage yards) when intended to service customers beyond the immediate vicinity as determined by the township board, subject to the applicant demonstrating both of the following:

a. Operating requirements necessitate locating within the district.

b. No property where the use is already permitted as of right can be utilized for such use.

(Ord. No. 26, § 6.02, 9-13-1990; Ord. of 10-9-2008, § 1(5); Ord. No. 2020(5) , § 1, 10-8-2020)

Sec. 40-276. Accessory uses permitted.

Accessory buildings shall be permitted subject to the provisions set forth in section 40-649 accessory buildings, structures, and uses.

(Ord. No. 26, § 6.03, 9-13-1990)

Sec. 40-277. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings, minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 26, § 6.04, 9-13-1990)

Secs. 40-278—40-302. Reserved.

DIVISION 6. RM and RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Sec. 40-303. Intent.

(a) The RM and RM-1, Multiple-Family Residential Districts are intended to provide sites for low-rise multiple-family dwellings and related uses. The RM and RM-1 districts shall be located in areas which can be adequately supplied with utilities and public service. It is also the intent of the RM and RM-1 districts to encourage the provision of recreational amenities and facilities designed to serve the needs of residents of multiple-family dwelling developments.

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- (b) The RM district is intended to allow medium density multiple-family development in close proximity to and compatible with higher intensity commercial, office, and light industrial development. The RM district is also intended to provide a zone of transition between areas of higher and lower intensity development.
 - (c) The RM-1 district is intended to allow low-density multiple-family development in otherwise higher density single-family areas. The density and character of development in the RM-1 district shall be consistent with and compatible to single-family residential development in the surrounding area.

(Ord. No. 26, art. VII(intro.), 9-13-1990)

Sec. 40-304. Principal uses—Permitted.

The following uses shall be permitted subject to any limitations described herein:

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Multiple-family dwellings.
- (4) Family child care homes.
- (5) Signs, as set forth in section 40-751.
- (6) State licensed residential facilities.

(Ord. No. 26, § 7.01, 9-13-1990; Ord. of 10-9-2008, § 1(6))

Sec. 40-305. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board as set forth in section 40-156(1)c under the standards contained in section 40-145.

- (1) Adult foster care facilities for more than 12 adults, including an adult foster care large group home.
- (2) Adult foster care congregate facilities.
- (3) Nursing homes licensed under article 17 of Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
- (4) Group child care homes, subject to the following conditions:
 - a. A group child care home shall be located no closer than 1,500 feet to any of the following facilities:
 - 1. Another licensed group child care home.
 - 2. A facility offering substance abuse treatment and rehabilitation service to seven or more people which is licensed by the state.
 - 3. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - 4. Subsequent establishment of any of the aforementioned facilities within 1,500 feet of the licensed or registered group child care home will not affect any subsequent special land use permit renewal pertaining to the group child care home.

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- 5. Another adult foster care small group home or large home licensed under the Adult Foster Care Facility Licensing Act, Public Act No. 218 of 1979 (MCL 400.701 et seq.).
 - b. The subject parcel shall meet all provisions of this chapter governing signage and off-street parking requirements.
 - c. The property shall be maintained in a manner that is consistent with the visible characteristics of the neighborhood.
 - d. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet.
 - e. The hours of operation shall not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the dropoff and pickup of children is not disruptive to neighboring residents.
 - f. Appropriate licenses with the state shall be maintained.
 - g. Subsections (4)a through f of this section shall constitute all the standards applicable to special land use approval for a group child care home. Any other standards in section 40-145 inconsistent with the standards of this section shall not be applicable.
- (5) Day care centers, subject to the provisions of section 40-627.
 - (6) Keyhole lake access, as provided under section 40-595.

(Ord. No. 26, § 7.02, 9-13-1990)

Sec. 40-306. Accessory uses permitted.

Accessory buildings and uses, including community garages, toolhouses, community buildings and swimming pools, and recreational facilities which are part of a multiple-family project, home occupations, off-street parking, and any other use customarily incidental to the principal permitted uses enumerated in sections 40-304 and 40-305 are permitted.

(Ord. No. 26, § 7.03, 9-13-1990)

Sec. 40-307. Requirements—Area and bulk.

Refer to section 40-572 for the schedule of regulations, and section 40-308, limiting the height and bulk of buildings, the minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 26, § 7.04, 9-13-1990)

Sec. 40-308. Requirements—Site design.

All principal uses permitted and principal uses permitted subject to special conditions shall conform to the following site design requirements:

- (1) *General requirements.*
 - a. One-family and two-family dwellings shall be subject to the height, bulk, density, and area provisions of the R-3 One-family Residential District, as set forth in section 40-572, schedule of regulations.

- b. Multiple-family dwellings shall be subject to the density and floor area requirements in the schedule be set forth in this section. Land which is under water (lakes, streams, watercourses, and other similar bodies of water) or wetlands shall not be included in the gross density calculation.

Unit Type	Site Area (in square feet per dwelling unit)		Floor Area (in square feet per dwelling unit)
	RM	RM-1	
Efficiency unit	4,500	6,000	500
One-bedroom unit	4,500	6,000	600
Two-bedroom unit	6,750	9,000	800
Each bedroom over two	2,250	3,000	200

- c. Adult foster facilities for more than 12 adults and adult congregate care facilities shall provide a minimum of 4,500 square feet of site area for each bed.
- d. Nursing homes shall provide a minimum of 3,000 square feet of site area for each bed.

(2) *Setbacks and distance between buildings.*

- a. In the case of multiple-family dwellings, adult foster care facilities for more than 12 adults, and adult congregate care facilities, no building shall be located closer than 50 feet from any perimeter property line.
- b. In the case of nursing homes, no building shall be located closer than 100 feet from any perimeter property line.
- c. All developments shall be subject to the following yard requirements:

District	Min. Setback from Internal Drive/Street	Minimum Distance Between Buildings		
		Side/Side	Side/Front, Side/Rear	Front/Front, Front/Rear, Rear/Rear
RM	40	40	50	75
RM-1	40	40	50	75

- (3) *Minimum setback.* The minimum setback requirements from internal drive or streets shall not apply to parking areas or service drives. The minimum setback from parking areas and service drives shall be ten feet.
- (4) *Recreation space.* All multiple-family developments in an RM district shall contain an area or areas provided for common recreation which is the equivalent of 500 square feet per dwelling unit. All multiple-family developments in an RM-1 district shall contain an area or areas provided for common recreation which is the equivalent of 300 square feet per dwelling unit. Such common recreation areas shall be located and designed in a manner which is appropriate to meet the recreational needs of the prospective residents of the development. Such recreational facilities may include, but not be limited to, swimming pools, tennis courts, playgrounds, picnic areas, playfields, and jogging trails.

(Ord. No. 26, § 7.05, 9-13-1990)

Secs. 40-309—40-334. Reserved.

DIVISION 7. RMH RESIDENTIAL MOBILE HOME DISTRICT⁴

Sec. 40-335. Intent.

The RMH Residential Mobile Home Park District is intended to provide a suitable environment with adequate space and proper supporting facilities for families and persons living in mobile home parks.

(Ord. No. 26, § 8.00, 9-13-1990)

Sec. 40-336. Principal uses—Permitted.

The following uses shall be permitted subject to any limitations described herein:

- (1) Mobile home parks. Each park is to be located on a parcel of land of not less than 40 acres which area shall be fully developed for total occupancy prior to first occupancy, with the entire parcel under the control or ownership of a natural person, firm, copartnership, association or corporation; together with any buildings, structures, enclosures, streets, drives, equipment for facilities used or intended for use incidental to the development and occupancy of such mobile homes; subject to the following regulations:
 - a. *Site.* All mobile home parks shall be located on a site which is adequately graded so as to ensure proper drainage and freedom from stagnant pools of water.
 - b. *Access to public roads.* All mobile home parks shall have at least one property line abutting an existing or planned major thoroughfare having a right-of-way width of at least 120 feet or more as indicated on the major thoroughfare plan and all such uses have direct access to a paved county road or a county road that meets the current minimum specifications of the county road commission. Where the entrance street to a mobile home park intersects the major thoroughfare, a widening strip shall be constructed within the right-of-way of the major thoroughfare so as to provide adequate ingress and egress from the entrance street. Said widening strip shall be constructed in such a manner and in such a location as determined by the county road commission.
 - c. *Roadway standards.* All roadways in the mobile home park shall be hard surfaced, and shall meet all road construction standards of the county road commission. Curbing shall be required. Entrance drives and other principal or collector roads shall have a minimum pavement width of 42 feet, of which the outer three feet on each side shall be constructed as a sidewalk for pedestrian circulation and the pavement width shall be a net amount of 36 feet. Entrance pavements separated by an island or planting areas shall have a minimum pavement width of 20 feet in each direction. All local roadway systems shall be so designed as to prevent the use of any such roadway for through traffic.
 - d. *Utilities.* Each mobile home park and individual mobile home site shall be serviced by and connected to a water and sanitary sewer system having adequate capacity to serve the proposed

⁴State law reference(s)—Mobile home commission act, MCL 125.2301 et seq.

development which shall meet all requirements and standards of the county health department, the state department of natural resources and environment and the township.

1. All telephone, electric and other utility lines of any nature within the mobile home park shall be underground.
 2. Each mobile home park shall have a master underground television antenna system.
 3. Fire extinguishers of a satisfactory type shall be maintained in good working order at such locations throughout the park as are required to meet fire safety standards established by the township.
 4. Fuel oil and LP gas tanks shall be located on each trailer site in a uniform manner. All tanks shall be of an approved type to comply with state construction code standards and shall be equipped with vent pipes and fused valves. All such tanks shall be elevated on noncombustible standards, placed on a concrete base, and painted a uniform color.
- e. *Lighting.* Service roadway, parking and service area lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All lighting shall be so located and shielded as to direct the light away from individual mobile homes. A light intensity of one-half footcandle minimum intensity per light is required.
- f. *Greenbelts.* There shall be a 50-foot wide earth berm constructed parallel to any public dedicated road abutting the mobile home park so as to screen the park from view from said public dedicated road. The earth berm shall be six feet in height at its center above the mean elevation of the centerline of the public dedicated road adjacent to the mobile home park property or six feet above the actual elevation of the property along the property line. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees and similar vegetation. Where the mobile home park abuts property zones for single-family residential purposes, a six-foot high chain link fence shall be constructed on the park side of the boundary. In either the berm and/or fence construction, property maintenance of each shall be the responsibility of the mobile home park.
- g. *Recreation space.* There shall be provided in each mobile home park an area of not less than 1,000 square feet per mobile home site for recreation purposes. Each such recreation area shall contain a minimum area of 20,000 square feet, shall be no longer than two times its width, shall be located no more than 500 feet from the furthest mobile home lot served and shall be properly developed for recreational use. Such recreation space shall be enclosed with shrubs or evergreen hedges placed no further than one foot apart and not more than four feet in height.
- h. *Garbage and refuse disposal.* There shall be provided in all mobile home parks a system of garbage and refuse disposal. Such system shall be reviewed and approved and shall meet the requirements of the applicable ordinance for the township.
- i. *Business.* No business of any kind shall be conducted at any location in a mobile home park except that of the management office.
- j. *Parking.* There shall be provided a minimum of two on-site parking spaces per mobile home site. One additional parking space for each five mobile home sites shall be provided in one or more parking compounds conveniently located and readily accessible to the lots which they are intended to serve. The parking of vehicles other than passenger cars and motorcycles is permitted; it shall be in areas surrounded by a wall six feet in height. Such space shall not be counted as part of required minimum parking space.

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1. Each parking space shall have a minimum width of ten feet and a minimum depth of 20 feet. All parking spaces and parking compounds shall be surfaced with asphalt or concrete and in accordance with specifications adopted by the county road commission.
 2. Compounds shall be drained so as to dispose of all surface water accumulated in the parking area within the confines of such area.
- k. *Park setbacks.* No building or mobile home within the park shall be located within 40 feet of any public street; nor within 30 feet of any other park boundary line. No mobile home shall be located closer than 25 feet to any permanent building located with the park.
- l. *Sidewalks.* Concrete sidewalks at least three feet in width and four inches thick shall be installed in the mobile home park from the public entrance to all service facilities, recreation areas, parking lots and mobile home sites. Public walk areas shall not be included as part of required lot area.
- m. *Mobile home stands and walks.*
1. Each mobile home lot shall be provided with a concrete stand or apron, not less than 50 feet long, 12 feet wide and six inches thick, and not less than the outside dimensions of the mobile home which shall be located thereon on concrete blocks or jacks. Each mobile home also shall be connected to tie rings affixed to its apron of such strength as to keep the mobile home stable during high winds.
 2. The developer may, with the approval of the planning commission, locate each mobile home on concrete piers, each pier being at least 42 inches in depth by 16 inches in diameter with no more than a two-inch projection above the ground. Such piers shall be placed on each side, front, and rear of the mobile home so as to stabilize same through the stacking of concrete blocks. A minimum of eight piers shall be placed on each side of the mobile home. As an alternate method, the developer may, with approval by the planning commission, locate each mobile home on two or more concrete runners, each runner being at least 24 inches in width, eight inches in depth on approved subbase and the length of the mobile home; such runners to be spaced to permit the stacking of concrete blocks for distribution of frame loads to the ground through the runners. Runner shall not project more than two inches above normal finish grade.
- n. *Skirting; canopies; storage.*
1. Skirting of each mobile home shall be required. Said skirting to consist of the same material as the exterior walls of the mobile home are constructed and the skirting shall be so installed as to completely enclose the open area located between the base of the frame of the mobile home and the ground. Skirting shall be in place within 15 days of the placement of the mobile home on the lot for occupancy purposes.
 2. Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sunroom purposes but not as a bedroom or sleeping quarters. Canopies or awnings must be made of materials which may be screened or glassed in with visual contact from three sides, but shall not exceed 12 feet in width or the length or height of the mobile home. A permit shall not be required for construction or erection of canopies or awning which are open on three sides. However, a permit shall be required for construction or erection of any screened, glassed in, or otherwise enclosed awning or canopy.
 3. Each mobile home shall be provided with one utility cabinet, containing a minimum of 360 cubic feet of storage space, which shall be uniform as to location throughout the park site and be bolted down to a concrete slab equal in size to the floor area of the cabinet. All

cabinets shall be maintained in good condition and kept painted. In lieu of individual cabinets, equal storage space may be provided in central storage buildings located within 150 feet of each mobile home. No other outside storage (including storage under a mobile home) shall be permitted.

- o. *Signs.* One freestanding sign identifying the mobile home park, not more than 50 square feet in area, may be maintained at or adjacent to the principal entrance to the park. It shall have no flashing illumination.
 - p. *Completion of improvements.*
 - 1. No mobile home shall be permitted to occupy space in a mobile home park until building permits are secured, applicable fees paid and inspections have been performed in accordance with the codes and ordinances of the township in order to ensure that the concrete stands are in place, all streets have been paved and properly drained, parking areas are complete, walks are in place, street lights installed and utility connections to each mobile home stand provided for. The boundary fence and berm shall also be in place or a performance guarantee in accordance with section 40-35 shall be deposited with the township to guarantee completion of greenbelt planting and fence installation.
 - 2. No individual mobile home site shall be occupied or reoccupied by a mobile home until properly placed on its stand, skirted, and connected to utilities through the proper issuance of the required permits and certificate of occupancy.
 - q. *Site plan.* Each application for a permit for development of a mobile home park shall be accompanied by a site plan showing all details of development.
 - r. *Space requirements; maximum occupancy.*
 - 1. The maximum number of occupants of a mobile home shall be limited to the number determined on the basis of the square feet of habitable floor area, exclusive of habitable space used for cooking and toilet purposes, in accordance with the following formula:
 - (i) 300 square feet for one or two occupants.
 - (ii) 150 square feet for each additional occupant beyond two.
 - 2. Habitable space shall consist of a minimum ceiling height of seven feet over 50 percent of the floor area. Floor area where ceiling height is less than five feet six inches shall not be considered in computing gross floor area.
- (2) State licensed residential facilities.
 - (3) Family child care homes.

(Ord. No. 26, § 8.01, 9-13-1990; Ord. No. 2018(7), § 2, 9-13-2018)

Sec. 40-337. Principal uses—Subject to special conditions.

The following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission, and approval by the township board as set forth in section 40-156(2) under the standards contained in section 40-145.

- (1) Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards but excluding storage yards.
- (2) Keyhole lake access, as provided under section 40-595.

(Ord. No. 26, § 8.02, 9-13-1990)

Sec. 40-338. Accessory uses permitted.

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in sections 40-336 and 40-337 are permitted.

- (1) Utility building.
- (2) Carport (unenclosed).
- (3) Community building that may provide services for residents of the mobile home park such as a laundromat.

(Ord. No. 26, § 8.03, 9-13-1990)

Secs. 40-339—40-364. Reserved.

DIVISION 8. C-1 LOCAL BUSINESS DISTRICT

Sec. 40-365. Intent.

The C-1 Local Business District is intended to provide for retail shopping, office and service uses that are needed by and compatible with surrounding residential areas. The intent of this district is also to encourage the concentration of local businesses in locations proposed in the master plan creating harmonious land use arrangements with residential areas, and prohibiting uses which might create traffic hazards, offensive noises and hours of operation which may be incompatible with residential areas.

(Ord. No. 26, § 9.00, 9-13-1990)

Sec. 40-366. Principal uses—Permitted.

The following uses shall be permitted, subject to any limitations described herein:

- (1) Any principal use permitted in an O-S district, as set forth in section 40-423.
- (2) Retail businesses selling groceries, beverages, meats, fruit, produce, dairy products and baked goods; drugs, dry goods, and notions; shoes, clothing, and jewelry; hardware and paint; books, gifts and cards; subject to the restrictions set forth in section 40-370.
- (3) Laundry or dry cleaning customer outlets, coin-operated laundromat, and self-serve dry cleaning center. Dry cleaning or laundry plants serving more than one customer service outlet shall be prohibited.
- (4) Restaurants (except drive-ins) serving food, beverages, or both.
- (5) Video rental stores
- (6) Churches.
- (7) Fitness facilities
- (8) Uses similar to the above and demonstrated as necessary to provide normal day-to-day needs of the population of the surrounding neighborhood.

(Supp. No. 8)

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- (9) Public utility buildings, such as telephone exchanges, electronic transformer stations, and similar uses, excluding outdoor storage.

(Ord. No. 26, § 9.01, 9-13-1990; Ord. of 2-9-2012(1), § 1(9.01))

Sec. 40-367. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted subject to the special conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board as set forth in section 40-156(2) under the standards contained in section 40-145.

- (1) Automobile repair facility, minor, automobile filling/convenience station, automobile filling/mixed use station, and automobile filling/service station, subject to the provisions of section 40-628.
- (2) Public and private elementary, middle and high schools, subject to the provisions of section 40-624.
- (3) Day care centers, subject to the provisions of section 40-627.
- (4) Wireless communication facilities pursuant to section 40-648.
- (5) Automobile wash buildings.

(Ord. No. 26, § 9.02, 9-13-1990)

Sec. 40-368. Accessory uses permitted.

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in sections 40-366 and 40-367 are permitted.

(Ord. No. 26, § 9.03, 9-13-1990)

Sec. 40-369. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings the minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 26, § 9.04, 9-13-1990)

Sec. 40-370. Required conditions.

- (a) All uses permitted in this district shall be located within fully enclosed buildings, except for off-street parking or loading. Outdoor storage or display shall be prohibited, except as otherwise permitted herein.
- (b) All uses permitted in the C-1 district shall have direct access to a paved public road.
- (c) Retail business uses set forth in section 40-366(2) shall not exceed 10,000 square feet in size. Retail business uses exceeding 10,000 square feet shall be treated as special land uses.

(Ord. No. 26, § 9.05, 9-13-1990)

Secs. 40-371—40-381. Reserved.

DIVISION 8.5. VC VILLAGE CENTER DISTRICT

Sec. 40-382. Intent.

The VC, Village Center District is intended to protect the unique historical character of the area by preserving the existing historical buildings and encouraging maintenance of historical architecture in all façade improvements, existing and new. Additionally, this district is intended to permit development of the township's existing village area with a density and combination of land uses (both residential and nonresidential) similar to that found in a traditional village settlement. This district allows for the development of office, retail, and service uses to serve the convenience and service needs of the area. Mixed-use developments are encouraged and all development/redevelopment should focus on a pedestrian-friendly atmosphere.

(Ord. No. 2012(4), § 1, 7-12-2012)

Sec. 40-383. Principal uses—Permitted.

The following uses shall be permitted, subject to any limitations described herein:

- (1) Retail businesses selling antiques; art galleries; frame shops; novelty and toy stores; groceries, beverages, meats, fruit, produce, dairy products and baked goods; drugs, dry goods, and notions; shoes, clothing and jewelry; hardware and paint; books, gifts and cards.
- (2) Business service establishments, including, but not limited to printing and photocopying services, mail and packaging services, and typing and secretarial services.
- (3) Credit unions, banks, savings and loan offices, and similar financial institutions, but not including drive-through facilities.
- (4) Government offices and public buildings.
- (5) Medical and dental offices.
- (6) Offices for executive, administrative or professional occupations, including but not limited to, offices of a lawyer, accountant, tax consultant, financial advisor, insurance/real estate agent, architect, engineer and similar occupations.
- (7) Dwellings located above the first floor within a building containing another permitted use.
- (8) Pet grooming facilities for small household pets.
- (9) Personal service establishments including, but not limited to, florist shops, photographic studios, barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
- (10) Carry-out restaurants serving food, beverages or both.
- (11) Studios for professional work and/or teaching of interior decorating, photography, music, drama, and/or dance.
- (12) Passive parks, pathways, nature trails, picnic grounds and playgrounds.
- (13) Uses similar to the above principal permitted land uses.

(Ord. No. 2012(4), § 1, 7-12-2012)

Sec. 40-384. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted subject to the special conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board under the standards contained in section 40-145 of the Springfield Township Code of Ordinances.

- (1) Sidewalk café service, accessory to a restaurant or other food establishment.
- (2) Full-service restaurants based upon a demonstration of the adequacy of available parking.
- (3) Inns and bed and breakfast establishments.
- (4) Auto service uses, limited to automobile filling/convenience stations subject to the following conditions:
 - a. The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location or the location of its driveways.
 - b. Additional screening or noise buffering may be required at the discretion of the township taking into consideration adjacent land uses.
 - c. If a canopy is proposed over the gasoline pumps, the canopy design must relate to the façade design of the main building, and shall not be taller than 14 feet. Where design permits, the pump island canopy structure shall be attached to and made an integral part of the main building structure.

(Ord. No. 2012(4), § 1, 7-12-2012)

Sec. 40-385. Accessory uses permitted.

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in sections 40-366 and 40-367 are permitted.

(Ord. No. 2012(4), § 1, 7-12-2012)

Sec. 40-386. Area and bulk requirements.

Refer to article III, district regulations, division 15, schedule of regulations, section 40-572 limiting the height and bulk of buildings and the minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 2012(4), § 1, 7-12-2012)

Sec. 40-387. Required conditions.

- (1) All uses permitted in this district shall be located within fully enclosed buildings. Outdoor storage or display shall be prohibited, except as otherwise permitted herein. This requirement does not apply for sidewalk sales, farmer's markets, craft and antique shows, fairs and similar events that have obtained proper permits.
- (2) Off-street parking and loading requirements are exempt for uses in the VC district. However, where parking is provided it should be located in the rear where alleys and other access points are available.

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- (3) All parking areas shall be designed to be able to interconnect with neighboring properties where physically possible.

(Ord. No. 2012(4), § 1, 7-12-2012)

Sec. 40-388. Architectural standards.

(1) *Architectural elements and details.*

- a. Material surfaces shall be delineated by transitional details such as decorative coursework, reveals, or caps.
- b. All building construction shall use materials which are permanent and durable such as brick and modular stone. Low quality, monolithic materials such as stucco or E.I.F.S. systems, shall be permitted only as an enhancement to the overall façade of a building.
- c. The preservation of existing architectural features which are complimentary to the historic character of the Village Center district shall be encouraged. Where building modifications are required or new buildings are constructed, architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a thoroughfare or adjoining properties.

(2) *Signs.* All signs shall comply with the requirements set forth in section 40-751(d).

(3) *Awnings.*

- a. The awning must be permanently attached to the building.
- b. The minimum height of the awning shall be at least eight feet in height from the lowest point of the sidewalk to ensure clearance for pedestrian safety.
- c. Awnings should be projected over individual doors and windows, and shall not be continuous over the entire width of the façade.
- d. Awning materials are limited to matte finish canvas or similar fabric. Glass and metal awnings are prohibited.
- e. Signage on awnings shall comply with the provisions set forth in subsection 40-751(d)(2).
- f. Awnings which encroach into a public right-of-way will require approval of the appropriate governmental agency.

(4) *Screening of service equipment.*

- a. Dumpster enclosures shall be used to contain refuse in a clean and orderly manner. Screening for dumpster enclosures and utilities shall be considered as an integral part of the design of a site. Where possible, shared trash enclosures should be utilized.
- b. Dumpster enclosures which are visible from adjoining properties and thoroughfares shall include some of the design features consistent with those on the rear façade of the building as well as obscuring plantings where appropriate.
- c. Utility equipment such as transformers, telephone switching boxes, and the like, shall be located in rear yards and screened in a similar manner to that of a dumpster enclosure.
- d. Rooftop mechanical equipment shall be obscured with parapets, for example, including the rear elevation when visible from adjoining properties and thoroughfares.

(Ord. No. 2012(4), § 1, 7-12-2012)

Secs. 40-389—40-398. Reserved.

DIVISION 9. C-2 GENERAL BUSINESS DISTRICT

Sec. 40-399. Intent.

The C-2 General Business District is intended to provide for retail shopping, office and service uses that serve a market area larger than the C-1 district, but would generally be confined to the township as a whole. In addition to retail uses, a number of other activities, usually requiring considerable land area and access to major thoroughfares, are permitted. Uses in this district normally must have good automobile accessibility, but should be designed to avoid congestion on adjacent thoroughfares.

(Ord. No. 26, § 10.00, 9-13-1990)

Sec. 40-400. Principal uses—Permitted.

The following uses shall be permitted, subject to any limitations described herein:

- (1) Any principal use permitted in an O-S and a C-1 district, as set forth in section 40-366, provided such uses comply with all regulations of the C-2 district.
- (2) Building material, home improvement and landscape material sales.
- (3) Automobile repair facility, minor, automobile filling/convenience station, automobile filling/mixed-use station, and automobile filling/service station, subject to the conditions enumerated in section 40-628.
- (4) Automobile wash buildings.
- (5) Automobile sales and service facility, offices or showrooms, provided that any major repair facilities shall meet the conditions set forth in section 40-629.
- (6) Fitness/sports clubs
- (7) Mortuaries.
- (8) Fast food and drive-in restaurants
- (9) Hotels and motels.
- (10) Other uses similar to the uses set forth in subsections (1) through (9) of this section.
- (11) Wireless communication facilities pursuant to section 40-648.
- (12) Public utility buildings, such as telephone exchanges, electronic transformer stations, and similar uses, excluding outdoor storage.

(Ord. No. 26, § 10.01, 9-13-1990; Ord. of 2-9-2012(1), § 1(10.01))

Sec. 40-401. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board as set forth in section 40-156(2) under the standards contained in section 40-145.

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- (1) Any special land use permitted in the C-1 district, as set forth in section 40-367, provided such uses comply with the conditions of section 40-367 and all regulations of the C-2 district.
 - (2) Automobile repair facility, major, subject to the provisions of section 40-629.
 - (3) Recreational vehicle sales and service facility, provided that any major repair facilities shall meet the conditions set forth in section 40-629.
 - (4) Commercial outdoor recreation uses such as amusement parks, golf driving ranges, and similar uses.
 - (5) Open air business uses, including retail sales of plant materials, not grown on the site; and sales of lawn furniture, playground equipment, and home garden supplies.
 - (6) Bowling alleys or similar forms of indoor commercial recreation.
 - (7) Commercial dog kennels and pet cemeteries subject to the following conditions:
 - a. Minimum site size for each individually operated kennel shall be five acres.
 - b. All kennel facilities exclusive of outside runs shall be located no closer than 75 feet to any property lines. All open runs shall be a minimum of 200 feet from all property lines.
 - c. All kennel facilities shall be approved by the county health department prior to obtaining approval by the township board.
 - (8) Adult businesses, such as adult bookstores, adult motion picture theaters, adult motels, adult personal service business and cabarets, subject to the following:
 - a. *Intent.* There are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances, thereby having a deleterious effect upon adjacent areas, as well as the community as a whole. Relying upon studies undertaken and reported by other communities, the township board has concluded that special regulation of these uses is necessary to prevent a concentration in any one area and to ensure that these adverse effects will not contribute to the blighting or downgrading of surrounding residential areas and uses which cater to those residential areas.
 - b. *Location requirements.* In addition to compliance with the other provisions of this chapter, the following location requirements apply to regulated uses:
 1. No adult business use may be located within 1,000 feet of another adult business use. The distance between any two adult business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.
 2. No adult business regulated use may be located within 500 feet of any residential zoning district, school property, licensed day care home or center, church or place of worship, library, public park, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted, to the nearest property line of any lot or parcel in any residential zoning district, school property, licensed day care home or center, church or place of worship, library, public park, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities.
 - c. *Miscellaneous requirements.* In addition to compliance with the other provisions of this chapter, the following requirements apply to regulated uses:

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1. No person shall reside in or permit any person to reside in the premises of a regulated use;
 2. The merchandise or activities of the establishment shall not be visible from any point outside the establishment;
 3. The exterior portions of the establishment or signs shall not have any words, letterings, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this chapter;
 4. The hours of operation of any adult business use shall be limited to 10:00 a.m. to 12:00 a.m. Monday through Saturday; and
 5. No person operating an adult business use shall permit any person under the age of 18 years of age to be on the premises.
 6. Alcohol is prohibited on the premises of any adult business use.
- d. *Findings for approval.* No use allowed under this subsection shall be approved by the township board unless all of the following findings are made:
1. The establishment, maintenance, location and operation of the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 2. The establishment, maintenance, location and operation of the use will in all respects conform to the provisions of this chapter, other applicable township ordinances, and any applicable state or federal laws.
- e. *Reasonable conditions necessary for protection of township.* Reasonable conditions deemed necessary for the protection of the health, safety and welfare of township residents may be imposed by the township board with respect to the uses permitted under this subsection. The township board shall maintain a list of any conditions imposed under this subsection. Said conditions shall remain unchanged except under the mutual agreement of the landowner and the township board.
- f. *Posting of performance guarantee may be required.* The township board may require the posting of a performance guarantee in accordance with section 40-35, with respect to any improvements required to be completed as a condition of approval under this subsection.
- (9) Self-storage facility, subject to the provisions of section 40-630, provided all storage shall be contained within a building except automobile and recreational vehicle storage that shall be screened.
- (10) Automobile towing service, only as an accessory service to an automobile filling/service station or automobile repair facility, subject to the following conditions:
- a. Up to two tow trucks per facility shall be allowed as an accessory use.
 - b. A screened area, removed from on-site traffic circulation patterns, shall be provided for the exclusive parking of the tow trucks and the storage of vehicles waiting to be serviced. Outdoor storage of tow trucks and vehicles being repaired shall be screened as follows: All vehicles shall be screened from off-site view by walls (including building walls) or fences at least eight feet in height. However, a screening wall or fence less than eight feet high, but not less than six feet high, existing on the date of enactment of the ordinance from which this chapter is derived may serve in lieu of such eight-foot wall or fence. The material and surface of such walls or fences shall be approved by the body responsible for site plan approval.
 - c. Wrecked, damaged or otherwise inoperable motor vehicles serviced by said tow trucks shall be stored in said parking/storage area for a period not to exceed 72 hours. No more than a total of three such vehicles per service bay shall be stored at any time.

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- d. Automobile impoundment facilities for the acceptance and storage of impounded cars are prohibited in this district.
- (11) Truck stops, subject to the provisions of section 40-631.
- (12) Large scale retail development, subject to the following:
- a. *Intent.* It is the intent of this section to regulate large scale retail developments, whether located as an individual use on a single site or as part of a shopping center. While it is recognized that large scale retail developments may provide goods and services to township residents, such stores are primarily focused on attracting consumers from a market area larger than the township. Therefore, specific standards are required to ensure that large scale retail developments are consistent with the character of the township and can be adequately served by and do not create an inordinate impact upon roads, utilities, storm drainage and police and fire services.
 - b. *Minimum area.* Large scale retail developments shall have a minimum area of ten acres. Sites of less than ten acres may be approved, in the sole discretion of the township board, when it is demonstrated by the applicant that the following conditions are met:
 - 1. The site can be developed without the need for variances from this chapter's requirements.
 - 2. All standards set forth in subsection (11)c of this section are met.
 - 3. Sufficient area is available to meet all landscaping and buffering standards set forth in section 40-721.
 - c. *Architecture and site design standards.* The applicant shall demonstrate in the submission of a site plan and supportive material that the design standards set forth in section 40-821 are met.
 - d. *Entryways.* Each principal building shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - 1. Canopies or porticos;
 - 2. Overhangs;
 - 3. Recesses/projections;
 - 4. Arcades;
 - 5. Raised corniced parapets over the door;
 - 6. Peaked roof forms;
 - 7. Arches;
 - 8. Architectural details such as tile work and moldings which are integrated into the building structure and design;
 - 9. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
 - e. *Pedestrian circulation.* In addition to the requirements set forth in section 40-683(b), the following standards shall be met:
 - 1. Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. However, the township body responsible for site plan approval may permit deviations from this requirement based upon

a finding that all or a portion of the foundation landscaping would not be an enhancement to the architectural design of the building.

2. All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Surface materials used for internal pedestrian walkways shall be designed to accommodate shopping carts.
- f. *Outdoor displays of materials intended for retail sale.* The outdoor display of products or materials intended for retail sale may be permitted subject to the following conditions:
1. An outdoor display shall be considered as an accessory use to the principal use conducted on the premises.
 2. The exterior of the premises shall be kept clean, orderly and maintained.
 3. If an outdoor display is located on a sidewalk, a minimum of five feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall be provided to allow car doors to open along the curbside.
 4. An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this chapter.
- g. *Central features and community space.* Each large scale retail development subject to these standards shall contribute to the development or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the township, adequately enhances such community and public spaces.
- h. *Delivery/loading operations.* Off-street loading and similar delivery facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.
- i. *Storage in trailers.* Use of trailers for storage of merchandise for a period of more than 48 hours shall be prohibited.

(13) General and specialty hospitals.

(Ord. No. 26, § 10.02, 9-13-1990; Ord. No. 2018(2), § 1, 2-8-2018; Ord. No. 2018(7), § 3, 9-13-2018)

Sec. 40-402. Accessory uses permitted.

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in sections 40-400 and 40-401 are permitted.

(Ord. No. 26, § 10.03, 9-13-1990)

Sec. 40-403. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings the minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 26, § 10.04, 9-13-1990)

Sec. 40-404. Required conditions.

- (a) All uses permitted in this district shall be located within fully enclosed buildings, except for off-street parking or loading. Outdoor storage of display shall be prohibited, except as otherwise permitted herein.
- (b) All uses permitted in the C-2 district shall have direct access to a paved public road.

(Ord. No. 26, § 10.05, 9-13-1990)

Secs. 40-405—40-421. Reserved.

DIVISION 10. O-S OFFICE SERVICE DISTRICT

Sec. 40-422. Intent.

- (a) The intent of the O-S Office Service District is to provide locations for low-intensity business uses which primarily include office and technical uses, and business and personal services uses which are dependent on and supportive of an office environment. The office service district is intended to provide for a compatible transitional use between commercial and residential areas and/or between thoroughfares and residential areas.
- (b) The district shall be characterized by uses which: generally operate during normal business hours; produce a low volume of traffic; and, are located in buildings which are architecturally compatible with the surrounding area. The office service district is not intended to permit commercial retail uses that generate a large traffic volume. A limited range of business and service uses are permitted for the benefit of official personnel, tenants and visitors, provided that offices and technical uses remain the predominant use within the district.

(Ord. No. 26, § 11.00, 9-13-1990)

Sec. 40-423. Principal uses—Permitted.

The following uses are permitted in an O-S district subject to any limitations described herein:

- (1) Office buildings for the use of any of the following occupations: executive; administrative; professional; real estate; insurance; accounting; writing; clerical; stenographic; drafting; and sales.
- (2) Medical and dental offices, including clinics and medical laboratories.
- (3) Veterinary offices and hospitals, including accessory boarding. No outdoor exercise runs or pens are permitted.
- (4) Banks, credit unions, savings and loan associations.
- (5) Government and public utility offices.

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- (6) Training and/or educational centers where such centers are designed and intended to provide training at the business, technical, and/or professional level.
 - (7) Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
 - (8) Florist shops.
 - (9) Personal service establishments, such as photographic studios, barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
 - (10) Pharmacies, including stores selling or renting durable medical equipment, when located within an office building.
 - (11) Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.

(Ord. No. 26, § 11.01, 9-13-1990)

Sec. 40-424. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board as set forth in section 40-156(2) under the standards contained in section 40-145.

- (1) Computer and business machine sales and service.
- (2) Research and design centers together with related office buildings for such research facilities where said offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
- (3) Private service clubs, fraternal organizations and lodge halls.
- (4) Day care centers, subject to the provisions of section 40-627.
- (5) Public and private nursery and kindergarten schools, subject to the provisions of section 40-626.
- (6) Fitness facilities.
- (7) Churches.

(Ord. No. 26, § 11.02, 9-13-1990; Ord. of 11-10-2011(3), § 1)

Sec. 40-425. Accessory uses permitted.

Accessory buildings and uses customarily incidental to the uses permitted in 40-423 and 40-424 are permitted.

(Ord. No. 26, § 11.03, 9-13-1990)

Sec. 40-426. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings, the minimum size lot or parcel permitted by land use, the maximum density permitted and providing the minimum yard setback requirements.

(Ord. No. 26, § 11.04, 9-13-1990)

Sec. 40-427. Required conditions.

- (a) All uses permitted in this district, except for accessory off-street parking, shall be located within fully enclosed buildings. Outdoor storage or display shall be prohibited.
- (b) All uses permitted in the O-S district shall have direct access to a paved road.

(Ord. No. 26, § 11.05, 9-13-1990)

Secs. 40-428—40-452. Reserved.

DIVISION 11. M-1 LIGHT INDUSTRIAL DISTRICT

Sec. 40-453. Intent.

The M-1 Light Industrial District is intended to accommodate certain activities whose external effects are minimal and in no industrial way detrimental to surrounding districts plus certain wholesale, warehousing and intensive service activities of a nature such as not to justify their inclusion in any commercial use district, but whose external effects also are nondetrimental. All uses in the district are intended to be compatible with one another. Since it is the intent of the township to carefully conserve land in the M-1 zone for manufacturing and related uses, only in exceptional circumstances will certain convenience services needed to serve the basic light industrial and related uses be permitted. Uses in this district shall emit a minimum of smoke, dust, dirt, odor or gases, subject to the pollution standards of the state, the county and the township. All uses located within this district shall be so designed and operated as to produce no sound or vibration discernible at the property lines in excess of the normal intensity of street or traffic noises or vibration noticeable at such points, nor any production of heat or glare noticeable at such points. Manufacturing uses in the district normally involve the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form for use in an industrial operation at another location shall not be permitted.

(Ord. No. 26, § 12.00, 9-13-1990)

Sec. 40-454. Principal uses—Permitted.

The following uses shall be permitted, each of which shall meet the performance standards described in section 40-453, and subject to any limitations described herein. All manufacturing shall be enclosed with a building.

- (1) The manufacture, compounding, processing, packaging, or treatment of the following products:
 - a. Baked goods, candy and other food products, but excluding slaughterhouses or abattoirs.
 - b. Cosmetics, pharmaceutical, biological and chemical products and toiletries.
 - c. Hardware and cutlery.
 - d. Tools, dies, machine products, metalworking machinery and equipment, general industrial and service machinery and equipment.

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- (2) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
 - (3) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - (4) Manufacture of musical instruments, toys, novelties, sporting and athletic goods, and metal or rubber stamps, or other small molded rubber products.
 - (5) Industrial, scientific and business research, development and testing laboratories.
 - (6) The manufacture or assembly of electrical and electronic machinery, components and supplies, radios, phonographs and television sets, electrical appliances, office, computing and accounting machines.
 - (7) The manufacture or assembly of professional and scientific instruments, photographic and optical goods.
 - (8) Manufacture and repair of electric or neon signs, light, sheet metal projects, including heating and ventilating equipment, cornices, eaves and the like.
 - (9) Printing, publishing, or allied industries.
 - (10) Warehouse and wholesale establishments and truck terminal facilities necessary to serve such use.
 - (11) Central dry cleaning plants or laundries provided that such plants shall not deal directly with the consumer at retail.
 - (12) All public utilities, including buildings, necessary structures, storage yards and other related uses.
 - (13) Water supply and sewage disposal plants, water and gas tank holders and railroad transfer and storage tracks when accessory to a principal permitted use.
 - (14) Building and construction material wholesalers and contractors.
 - (15) Trade or industrial schools.
 - (16) Other light manufacturing plants and uses similar to the above having performance characteristics which are consistent with those described in section 40-453.
 - (17) Signs, as provided in section 40-751.
 - (18) Self-storage facility, subject to the provisions of section 40-630.
 - (19) Wireless communication facilities pursuant to section 40-648.
 - (20) Automobile repair facility, major, subject to the provisions of section 40-629.
 - (21) Storage of new and used vehicles in association with auto/vehicle sales and service facilities as provided in section 40-681(4)c.

(Ord. No. 26, § 12.01, 9-13-1990; Ord. No. 2016(1), § 1.4, 1-14-2016)

Sec. 40-455. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township

planning commission and approval by the township board as set forth in section 40-156(2) under the standards contained in section 40-145.

- (1) Storage facilities for building, materials, sand, gravel, lumber, and construction contractors' equipment, subject to the following, such site shall (except for frontage of a public street) abut only land within an M-1 district, and all such storage shall be enclosed within a building or, on those sides abutting any public thoroughfare, shall be surrounded by an obscuring wall or fence of at least six feet in height.
- (2) Painting and varnishing shops, lumber and planing mills.
- (3) Automobile repair facilities, major, that perform dismantling and salvaging of automobiles, commercial and recreational vehicles for parts recovery, subject to the following:
 - a. Devices and controls adequate to meet the standards enumerated in section 40-453 relative to sound, vibration, smoke, odor, or gases shall be installed.
 - b. Adequate means of sanitary disposal of any waste material shall be provided.
 - c. Outdoor storage of vehicles being repaired or being used for parts recovery shall be screened as follows:
 1. All vehicles shall be screened from off-site view by walls (including building walls) or fences at least eight feet in height.
 2. However, a screening wall or fence less than eight feet high, but not less than six feet high, existing on the date of enactment of this provision may serve in lieu of such eight-foot wall or fence.
 - d. No more than a total of three vehicles waiting to be serviced per service bay and two vehicles for parts salvaging per service bay shall be stored at any time.
 - e. Adequate standing and parking facilities shall be provided on the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- (4) Automobile sales and service facility, subject to the following:
 - a. Devices and controls adequate to meet the standards enumerated in section 40-453 relative to sound, vibration, smoke, odor, or gases shall be installed.
 - b. Adequate means of sanitary disposal of any waste material shall be provided.
 - c. Any major repair services provided shall meet the requirements outlined in section 40-629 except that vehicle dismantling and salvaging for parts recovery is a permitted use as long as it is an accessory use to the repair facility.
- (5) Automobile towing service, subject to the conditions set forth in section 40-886.
 - a. Automobile impoundment facilities under contract with a county or state agency for the acceptance and storage of impounded automobiles are allowed in this district as long as this activity is accessory to the automobile towing service, no more than ten cars are stored in the impoundment facility at any one time, and the screening requirements enumerated in section 40-401(9)b are met.
 - b. The automobile impoundment facility shall be a separate storage area from any other storage area found on the site, capable of storing the maximum number of vehicles allowed. Only impounded automobiles may be stored in this area, and for a maximum of 45 days.
 - c. If the automobile towing service with an impoundment facility is accessory to an automobile repair facility, major, all conditions outlined in subsection (2) of this section shall also be met.

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- (6) Truck stops, subject to the provisions of section 40-631.
 - (7) Fleet fuel storage and dispensing facility, subject to the provisions of section 40-632.
 - (8) Recycling facility, subject to the provisions of section 40-650.

(Ord. No. 26, § 12.02, 9-13-1990; Ord. of 12-11-2008(1), § 1(2)Ord. No. 2013(4), § 2, 3-14-2013; Ord. No. 2016(2), § 1.1, 3-10-2016)

Sec. 40-456. Accessory uses permitted.

Accessory buildings and uses, including special plants to treat industrial wastes, and including those uses customarily incidental to the principal permitted uses enumerated in sections 40-454 and 40-455 are permitted.

(Ord. No. 26, § 12.03, 9-13-1990)

Sec. 40-457. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings, the minimum size lot or parcel permitted by land use, the maximum density permitted and providing the minimum yard setback requirements.

(Ord. No. 26, § 12.04, 9-13-1990)

Secs. 40-458—40-482. Reserved.

DIVISION 12. M-2 HEAVY INDUSTRIAL DISTRICT

Sec. 40-483. Intent.

The M-2 Heavy Industrial District is intended to provide land for the more large-scale and intense manufacturing, fabricating and assembling uses. While such may occasionally produce external physical effects noticeable to a limited degree beyond the boundaries of the site, nevertheless every possible effort shall be made to minimize such effects.

(Ord. No. 26, § 13.00, 9-13-1990)

Sec. 40-484. Principal uses—Permitted.

The following uses shall be permitted, subject to any limitations described herein:

- (1) Any principal use permitted under the provisions of section 40-453 in a M-1 district subject to all regulations of such district.
- (2) Any manufacturing or other industrial-type or related use (including the assembly, alteration, cleaning, fabrication, finishing, machining, processing, production, repair, servicing, storage, testing or treating of materials, goods or products) which is not injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat, including but not limited to the following:

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- a. The manufacturing, fabrication and assembling of motor vehicle equipment and parts, farm machinery and equipment, heavy industrial machinery and equipment.
 - b. Manufacture of major appliances.
 - c. Brick or building block manufacture.
 - d. Pressing, stamping or forming of major sheet metal parts.
 - e. Manufacture of iron, aluminum, bronze and other castings.
- (3) Certain uses which by their nature would be dangerous in a community with large residential areas are prohibited. This shall include the manufacture of explosives, gasoline and other crude oil by-products.
 - (4) Signs, as provided in section 40-751.
 - (5) Automobile repair facility, major, subject to the provisions of section 40-629.
 - (6) Automobile towing service, subject to conditions set forth in section 40-886.
 - (7) Truck stops, subject to the provisions of section 40-631.

(Ord. No. 26, § 13.01, 9-13-1990)

Sec. 40-485. Principal uses—Permitted subject to special conditions.

The following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to the submission of a site plan as set forth in section 40-136, a recommendation of the township planning commission and approval by the township board as set forth in section 40-156(2) under the standards contained in section 40-145.

- (1) Automobile salvage yard/junkyards, subject to the following:
 - a. The entire site shall be enclosed on all sides by an obscuring masonry wall at least eight feet in height.
 - b. Adequate standing and parking facilities shall be provided on the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
 - c. No burning or scrap products shall at any time be permitted except in an incinerator located not less than 100 feet from any property line or highway right-of-way. Emission of smoke, dirt, dust and fly ash shall be controlled through the use of electrostatic precipitators or other equipment of equal or better efficiency, which shall meet all the pollution control regulations of the state, county and township.
- (2) Refuse and garbage incinerators, subject to the following:
 - a. Such use shall be located on a site of not less than 40 acres.
 - b. Such site shall (except for frontage on a public street) abut only land located within an M-2 district.
 - c. The entire site shall be enclosed on all sides by an obscuring fence at least eight feet in height or greenbelt 25 feet in width planted with grass, trees, etc., to provide complete screening.
 - d. All roads on the premises shall be improved with a hard surface to the specifications of the township.
 - e. Adequate standing and parking facilities shall be provided on the site so that no packer or other collection vehicle at any time stands on a public right-of-way awaiting entrance to the site.

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- f. No part of the structure in which any incinerator furnace is housed shall be located less than 200 feet from any property line on the premises or less than 400 feet from any public street or highway right-of-way.
 - g. Emission of smoke, dirt, dust and fly ash shall be controlled through the use of electrostatic precipitators or other equipment of equal or better efficiency, which shall meet all air pollution control regulations of the state, county and township.
 - h. Loaded packer or other collection vehicles shall be unloaded and the loads placed in the incinerator within one hour after the vehicle's arrival on the premises.
 - i. The proposed plan of operation of any garbage and refuse incinerator shall be approved by the county health department prior to the issuance of a permit by the township.
- (3) Truck terminals and storage yards, subject to the following:
- a. Adequate ingress and egress shall be provided from a major thoroughfare of at least 120 feet right-of-way existing or proposed.
 - b. Such use shall not occupy an area greater than ten acres.
 - c. Dispatching and business offices shall be subject to the requirements of the district.
 - d. Maintenance and repair facilities shall be conducted totally within an enclosed building.
 - e. There shall be no areas designated on the property for storage of inoperative trailers, vehicles, or waste materials other than normal maintenance.
- (4) Sanitary landfills, subject to the following conditions:
- a. Such use shall be located on a site of not less than 40 acres.
 - b. The entire site shall be enclosed on all sides by an obscuring fence at least eight feet in height or greenbelt 25 feet in width planted with grass, trees, etc., to provide complete screening.
 - c. All roads on the premises shall be improved with a hard surface to the specifications of the township.
 - d. Adequate standing and parking facilities shall be provided on the site so that no packer or other collection vehicle at any time stands on a public right-of-way awaiting entrance to the site.
 - e. No part of the structure or any portion of the sanitary landfill shall be located less than 100 feet from any property line on the premises or less than 100 feet from any public street or highway right-of-way.
 - f. The proposed plan of operation of a sanitary landfill shall be approved by the county health department prior to issuance of a permit by the township.
 - g. Prior to approval of a sanitary landfill, the township board shall hold a public hearing on the proposed use; notification of such hearing to follow the publication statutes of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
 - h. A performance guarantee in accordance with section 40-35 shall be deposited with the township in an amount required by the board at the time of approval of the use to ensure compliance with the provisions of this chapter. The amount of the performance guarantee shall be determined by taking into consideration the scale of the proposed operation, the probable costs of rehabilitating the property if default occurs in meeting the chapter standards, court costs, and similar items.

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- i. An annual operating permit shall be issued by the building official upon his finding the landfill in compliance with this chapter. The township board shall establish a fee to cover the cost of issuance of this permit and inspection of the landfill by the building official.
 - j. Physical requirements. In addition to subsection (4)a through (4)i of this section, the following requirements are mandatory:
 - 1. Refuse, rubbish or garbage fill shall be spread so that it can be compacted in layers not exceeding a depth of two feet of compacted material. Any refuse so deposited shall be thoroughly compacted with heavy mechanical equipment weighing not less than ten tons each. Following compaction, the refuse shall be covered with a layer of earth not less than six inches in depth, within 24 hours of the time of depositing, suitable for the growing of turf or other land uses permitted within the district. The township board, subject to the rules and regulations of the county health department and the state department of health, may extend the period of time to cover the waste beyond the 24-hour limit. A layer of suitable cover material compacted to a minimum thickness of two feet shall be placed over the entire surface of each portion of the final lift not later than one week following the placement of refuse within that portion.
 - 2. The burning of refuse, rubbish or garbage at the site of any fill, is hereby prohibited. All precautions shall be taken to avert ignition by spontaneous combustion and suitable equipment shall be available to extinguish accidental fires.
 - 3. A temporary fence may be required by the board to enclose the filling operations to prevent the scattering of refuse, rubbish or garbage and to control access to the site.
 - 4. Measures shall be taken to control dust and blowing paper. The entire area shall be kept clean and orderly.
 - 5. No filling of refuse, rubbish or garbage shall occur within 500 feet of any existing dwelling or any existing residentially zoned district (R-1, R-2, R-3 and R-1-A) unless written consent is secured from all adjacent residents or landowners within said limitation of 500 feet. These letters of consent shall be filed with the building official prior to the public hearing.
 - 6. Any road, other than a primary road as designated by the county road commission, used for the purpose of ingress or egress to said fill site, which road is also used as the main means of ingress or egress for any residence, shall be of a hard surface with cement or bituminous substance or such other substance as may be approved by the county road commission and the township board to a distance equal to the length of the road, but in no event for a distance greater than one mile.
 - 7. Additional equipment or machinery for operations on premises shall not be permitted unless specifically applied for in the application and for which a permit is issued.
 - 8. Reasonable hours of operation for any permitted use under this section shall be as established by the township board.
 - 9. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.
 - 10. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill and to prevent the collection of standing water.
 - 11. Permits issued according to the terms and provisions of this chapter shall restrict the permit holder to a fill site which at any given time shall have an area no greater than ten

acres. Additional fill areas may be authorized by the township board upon completion of the prior ten-acre fill area, provided said areas were completed in compliance with this chapter and all state and county regulations and further provided said ten acres fall within the legal description of that area originally applied for by the permit holder. The default or noncompliance by the permit holder with the terms and conditions of said permit, this chapter, or any state and county regulations shall constitute grounds for a denial of any such request for authorization of an additional ten-acre fill site.

(5) Fleet fuel storage and dispensing facility, subject to the provisions of section 40-632.

(6) Recycling facility, subject to the provisions of section 40-650.

(Ord. No. 26, § 13.02, 9-13-1990; Ord. of 12-11-2008(1), § 1(3); Ord. No. 2013(4), § 3, 3-14-2013; Ord. No. 2016(2), § 1.2, 3-10-2016; Ord. No. 2018(7), § 4, 9-13-2018)

Sec. 40-486. Accessory uses permitted.

Accessory buildings and uses, including special plants to treat industrial wastes, and including those uses customarily incidental to the principal permitted uses enumerated in sections 40-484 and 40-485.

(Ord. No. 26, § 13.03, 9-13-1990)

Sec. 40-487. Area and bulk requirements.

Refer to section 40-572 for the schedule of regulations, limiting the height and bulk of buildings, the minimum size lot or parcel permitted by land use, the maximum density permitted, and providing the minimum yard setback requirements.

(Ord. No. 26, § 13.04, 9-13-1990)

Secs. 40-488—40-512. Reserved.

DIVISION 13. PUD PLANNED UNIT DEVELOPMENT DISTRICT⁵

Sec. 40-513. Purpose and intent.

The intent of the division is to implement the provisions of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), authorizing the use of planned unit development (PUD) districts to provide for various types of land uses planned in a manner which shall: encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township; and bring about a greater compatibility of design and use. The provisions of this article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

(Ord. No. 26, § 14.00, 9-13-1990)

⁵State law reference(s)—Planned unit development, MCL 125.3503.

Sec. 40-514. PUD regulations.

- (a) A planned unit development (PUD) may be applied for in any zoning district. The grant of a planned unit development application shall require a rezoning by way of amendment of this chapter upon the recommendation of the planning commission and approval of the township board.
- (b) Any land use authorized in this chapter may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- (c) The applicant for a planned unit development must demonstrate all of the following as a condition to being entitled to planned unit development treatment:
 - (1) Grant of the planned unit development will result in one of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;
 - b. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - c. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
 - (2) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.
 - (3) The proposed development shall be consistent with the public health, safety and welfare of the township.
 - (4) The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - (5) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - (6) The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this chapter.
 - (7) The proposed development shall be consistent with the goals and policies of the township master plan.

(Ord. No. 26, § 14.01, 9-13-1990)

Sec. 40-515. Project design standards.

- (a) *Residential design standards.*
 - (1) Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this article. Land area under water, public road rights-of-way and private road easements shall not be included in the gross density calculation.

District	Maximum Density Permitted (dwelling units/gross acres)
R-1-A	1.0 unit per 2.5 acres

R-1	1.0 unit per 1.5 acres
R-2	1.0 unit per 1.0 acre
R-3	1.0 unit per 0.5 acre
RM	Same as RM district regulations
RM-1	Same as RM-1 district regulations
O-S	Same as RM-1 district regulations
C-1	Same as RM-1 district regulations
C-2	Same as RM-1 district regulations
M-1	Same as RM-1 district regulations
M-2	Same as RM-1 district regulations
E-1	Same as RM-1 district regulations

- (2) Additional density greater than specified in subsection (a)(1) of this section for residential uses may be allowed at the discretion of the township board upon the recommendation of the planning commission and based upon a demonstration by the applicant of consistency with goals and policies of the township master plan and of planning and design excellence resulting in a material benefit to the township, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, longterm aesthetic beauty, and protection and preservation of natural resources and features.

(b) *Nonresidential design standards.*

- (1) Nonresidential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses.
- (2) The nonresidential uses, including parking and vehicular trafficways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

(c) *General design standards.*

- (1) All regulations applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply. Notwithstanding subsection (b) of this section, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the township board upon the recommendation of the planning commission designed into the project plan for the purpose of achieving the objectives of this division.
- (2) To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features. To accomplish this balancing, the following criteria shall be applied:
- a. The availability of feasible and prudent alternative methods of accomplishing any development;
 - b. The extent and permanence of the beneficial or detrimental effects of the proposed activity;

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- c. The size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.
- (3) There shall be a perimeter setback and berming, as found to be necessary by the township board upon the recommendation of the planning commission, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project included nonresidential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to 100 feet in the discretion of the township board, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
 - (4) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
 - (5) There shall be underground installation of utilities, including electricity and telephone, as found necessary by the township.
 - (6) The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways, as found necessary by the township.
 - (7) Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding developments, and natural features of the area.
 - (8) Where nonresidential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The township board, in its discretion, shall review and approve the design and location of such mechanisms upon the recommendation of the planning commission.
 - (9) The township board upon the recommendation of the planning commission shall resolve all ambiguities as to applicable regulations using this chapter, the master plan, and other township standards or policies as a guide.

(Ord. No. 26, § 14.02, 9-13-1990)

Sec. 40-516. Procedure for review and approval.

- (a) The grant of a planned unit development application shall require a rezoning by way of an amendment of this chapter.
- (b) Prior to the submission of an application for planned unit development approval, the applicant shall submit to the planning commission a preliminary site plan of the proposed planned unit development. The planning commission shall review the preliminary site plan and shall provide the applicant with written comments, which shall be part of the official minutes of the planning commission. Review and comment upon a preliminary plan by the planning commission shall not bind the township to approval of a final PUD plan. The preliminary site plan for a PUD shall contain at a minimum the following information:
 - (1) Evidence of ownership, location and description of site; dimensions and areas.
 - (2) General topography; soil information.
 - (3) Scale, north arrow, date of plan.
 - (4) Existing zoning of site; existing land use and zoning or adjacent parcels; location of existing buildings, drives, and streets on the site and within 500 feet of the site.

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- (5) Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
 - (6) Location, size, and uses of open space.
 - (7) General description of the organization to be utilized to own and maintain common areas and facilities.
 - (8) General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
 - (9) General descriptions of proposed water, sanitary, and storm drainage systems.
 - (10) Existing natural and manmade features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
 - (11) General location, function, surface width, and right-of-way of proposed public and private streets.
 - (12) General location of proposed parking areas and approximate number of spaces to be provided in each area.
 - (13) Location and area of each development phase.
- (c) Within six months following receipt of the planning commission comments on the preliminary plan, the applicant shall submit a final plan conforming to section 40-518. This plan shall constitute an application to amend this chapter, and shall be noticed for public hearing before the planning commission, with notification of the hearing pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and otherwise acted upon by the planning commission, the county, and the township board, as provided by law. The planning commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project, including, without limitation, recommendations with respect to matters on which the township board must exercise discretion.
- (d) If a final plan is not submitted by the applicant for final plan approval within six months following receipt of planning commission comments, the preliminary plan approval becomes null and void.

(Ord. No. 26, § 14.03, 9-13-1990)

Sec. 40-517. Applications.

Final PUD plans shall include the following:

- (1) A site plan meeting all requirements of section 40-136, site plan review.
- (2) A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.
- (3) A specific schedule of the intended development and construction details, including phasing or timing.
- (4) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- (5) A specification of the exterior building materials with respect to the structures proposed in the project.
- (6) A development agreement in form as approved by the township attorney including, at a minimum, the following:
 - a. Identification of all development plans and documents applicable to the development, as approved by the township board;

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- b. Recitation of applicable conditions, related agreements, and schedule of intended development and construction, including phasing or timing;
 - c. Other provisions required by the township board or as deemed applicable by the township supervisor.

(7) Signatures of all parties having an interest in the property.

(Ord. No. 26, § 14.04, 9-13-1990)

Sec. 40-518. Conditions.

Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this chapter, and be related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the record of the approved planned unit development.

(Ord. No. 26, § 14.05, 9-13-1990)

Sec. 40-519. Phasing; commencement and completion of construction.

- (a) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase 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 unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the township board after recommendation from the planning commission.
- (b) *Commencement and completion of construction.* Construction shall be commenced within one year following final approval of a planned unit development. Each phase of the project shall be commenced within one year of the schedule established for same in the application submitted. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided extensions for a specified period may be granted by the township board upon good cause shown if such request is made to the board prior to the expiration of the initial period, or any approved extension of the initial period. Moreover, in the event a site plan has expired, the township shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

(Ord. No. 26, § 14.06, 9-13-1990; Ord. of 12-11-2008(2), § 1(3))

Sec. 40-520. Effect of approval.

When approved the planned unit development amendment, with all conditions imposed, if any, and the development agreement, shall constitute the land use authorization for the property, and all improvement and use

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shall be in conformity with such amendment and agreement. A notice of PUD approval shall be prepared and recorded against the applicable property at the office of the county register of deeds. This notice shall state that development of the property is restricted by the final PUD plan, the development agreement and any applicable conditions, and shall state where the entire PUD plan may be inspected.

(Ord. No. 26, § 14.07, 9-13-1990)

Sec. 40-521. Deviations from approved PUD.

- (a) Deviations from an approved planned unit development shall require an amendment to the PUD, which amendment shall follow all procedural steps required for an original PUD approval except as allowed in this section.
- (b) A property owner who has been granted PUD approval shall notify the township planning coordinator in writing of any requested deviations or proposed amendments to the approved PUD. The planning coordinator shall submit the request to the PUD committee, as hereinafter defined, with a recommendation.
- (c) Minor changes to the final PUD plan or development agreement may be approved by a PUD committee, without recommendation by the planning commission or action by the township board, after review and recommendation by any township departments, consultants, or employees as deemed necessary by the planning coordinator. In some instances, it will be necessary to submit an amended site plan to the township for review. The PUD committee shall be composed of a representative of the planning commission and the township board. The PUD committee shall unanimously determine that the proposed revision does not alter the basic design or conditions of the plan imposed upon the original approval by the township board. In making such a determination, the following may be considered a minor change:
 - (1) For residential structures, if structure size or the number of bedrooms is a condition of approval, the size of the structures may be reduced or increased by up to five percent for each structure provided that the overall density of units or the number of bedrooms does not increase.
 - (2) Square footage of nonresidential buildings may be decreased or increased by up to five percent or 10,000 square feet, whichever is smaller, provided that this change does not require additional parking or drainage revisions or affect any specific conditions of approval.
 - (3) Horizontal and/or vertical grade elevations may be altered so long as the overall drainage plan is not affected.
 - (4) A building may be relocated within an area no more than ten feet from the approved placement of the building in the original PUD plan, so long as other elements of the plan are not materially affected.
 - (5) Designated open space areas may be increased.
 - (6) Any landscape materials may be replaced by similar types of landscaping so long as the total amount or size of landscaping is not decreased.
 - (7) Changes to building materials of a higher quality (as determined by the PUD committee) unless such changes are specifically not allowed as a condition of approval by the township board.
 - (8) Improvements to site access or circulation such as, without limitation, inclusion of pedestrian or bicycle paths, curbing, acceleration, or deceleration lanes unless a revised permit would be required by the county road commission.
 - (9) Reduction in size of any signage.
 - (10) Relocation of signage in an area of up to 25 feet of the original placement.
 - (11) Relocation of trash disposal areas.

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- (12) Internal rearrangement of parking areas which does not reduce the number of spaces or alter access locations or reduce required landscaping.
 - (13) An increase in the amount of landscaping, either in area or in size of landscaping materials.
 - (14) A modification to conform to the provisions of a zoning ordinance amendment enacted subsequent to approval of the original PUD.
- (d) The developer must prepare and submit a site plan showing the minor changes approved by the PUD committee.
 - (e) Should the PUD committee determine that the requested modification to the approved PUD is not minor, an amendment to the PUD shall be required, which shall follow all the provisions of this division for approval of the original PUD.

(Ord. No. 26, § 14.08, 9-13-1990; Ord. No. 2016(3), § 1, 5-12-2016)

Secs. 40-522—40-552. Reserved.

DIVISION 14. E-1 EXTRACTIVE DISTRICT⁶

Sec. 40-553. Intent.

It is the intent and purpose of this division to promote the underlying spirit and intent of this chapter, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to ensure that mineral mining activities are consistent with the public health, safety and welfare of the township.

(Ord. No. 26, § 15.01, 9-13-1990)

Sec. 40-554. Principal uses permitted.

Sand and gravel excavating, mining, and quarrying, including the processing of such excavated material, subject to the following conditions:

- (1) In addition to the requirements of section 40-136, the following additional information shall be submitted in connection with any site plan approval for any permitted use within the E-1 district:
 - a. Vertical aerial photograph, enlarged to a scale to fit on a 24-inch by 36-inch blueprint. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The photograph shall be provided from an aerial flight having occurred within six months, prior to the application filing date. The vertical photograph shall cover:
 - 1. All land anticipated to be mined in the application, together with adjoining land owned and/or controlled by the applicant.

⁶State law reference(s)—Mineral mining, MCL 324.63301 et seq.

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2. All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
 3. All lands within 1,000 feet of the proposed mining area.
 4. All private and public roads from which access to the property may be immediately gained.
 5. The boundary of the entire planned mining area.
- b. Duration and phasing of proposed operation, exact type and the estimated number of cubic yards of materials to be removed, location and type of any processing plant, proposed method of removal, and any other relevant details with respect to the characteristics, phasing and progression of work on the site.
 - c. Land use study/drawing showing the existing land uses with specification of type of use (e.g., single-family residential, multiple-family residential, retail, office, etc.) and density of individual units in areas shown, including:
 1. Property within 1,000 feet of the site; and
 2. The property fronting on all vehicular routes within the township contemplated to be utilized by trucks which will enter and leave the site.
 - d. Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
 1. Level of water table throughout the proposed mining areas;
 2. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
 3. All qualitative and quantitative aspects of surface water, groundwater, and watershed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected; and
 4. Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the exposure or impoundment will not interfere with the existing subterranean water or cause any harm or impairment to the general public.
 - e. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels.
 - f. Reclamation plan demonstrating that the requirements set forth in subsection (7) of this section shall be met.
 - g. If the land anticipated to be mined, together with adjoining land owned and/or controlled by the applicant, is situated within the resource protection overlay district, as set forth in section 40-892, all requirements of such section shall also apply.
 - h. All other information required to satisfy the requirements of the township's mining control regulations in article IV of chapter 12, the environment chapter.
- (2) All active mining and extraction conducted in connection with the operation shall occur at least 160 feet from the nearest property line. All processing and stockpiling shall be conducted at least 200 feet from the nearest property line. The planning commission, in their sole discretion, may reduce the

setback distance of active mining and extraction when there would be no demonstrated detriment to adjacent uses.

- (3) The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., extended to 8:00 p.m. during daylight savings time, and prohibited on Sundays and legal holidays (established by resolution of the township board). The term "operation" means the operation of mining machinery, the processing plant and/or any related trucking activities. The maximum duration of the use, if conducted in or immediately adjacent to a residential zoning district, shall be ten years. However, the planning commission may grant extensions in increments up to five-year, based upon a finding that such an extension would pose no unreasonable burden on adjacent properties or the township as a whole.
- (4) The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels in a manner which meets the minimum requirements of the township's mining control regulations in article IV of chapter 12, the environment chapter.
- (5) The total area being mined, and which has not been reclaimed, shall at no time exceed the lesser of 75 acres or 40 percent of the entire parcel approved as a special use.
- (6) The proposed transportation route or routes within the township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the planning commission at the time of application for site plan approval, and thereafter.
- (7) Reclamation. Reclamation of the site shall be in accordance with a reclamation plan approved by the planning commission as part of the application review process. The reclamation plan shall demonstrate that final slopes have a grade that does not exceed one foot vertical to three feet horizontal, and, for permanent water areas, for a distance of not less than ten feet nor more than 50 feet, the submerged slopes shall not exceed one foot vertical to seven feet horizontal. The reclamation plan shall also demonstrate that the entire site shall be planted with sufficient vegetation so as to sustain short-term and long-term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site, unless, following approval of the planning commission the structures, machinery, equipment and improvements are deemed consistent with the zoning district in which the site is situated. The planning commission shall have the right to impose performance bonds or letters of credit to ensure that the reclamation and restoration plans as submitted are implemented.

(Ord. No. 26, § 15.02, 9-13-1990; Ord. of 12-11-2008(1), § 1(1))

Secs. 40-555—40-571. Reserved.

- CODE OF ORDINANCES
 Chapter 40 - ZONING
 ARTICLE III. - DISTRICT REGULATIONS
 DIVISION 15. SCHEDULE OF REGULATIONS

DIVISION 15. SCHEDULE OF REGULATIONS

Sec. 40-572. Limiting height, bulk, density and area by land use.

Use District	Minimum Lot Size	Minimum Lot Width (in ft.)	Maximum Height		Minimum Yard Setback (in ft.)				Max. % of Lot Area Covered by All Buildings
			In stories	In Feet	Front	Sides		Rear	
						Least one	Total of two		
R-1-A	2.5 acres	165	2	28.5	75	25	50	35	15
R-1	1.5 acres	150	2	28.5	50	25	50	35	30
R-2	1 acres	120	2	28.5	50	15	30	35	30
R-3	0.5 acres	110	2	28.5	50	15	30	35	50
RM, RM-1*			2	28.5	50	20	30	30	50
C-1	20,000 sq. ft.	100	2	28.5	50	20	40	50	50
C-2	20,000 sq. ft.	100	2	28.5	35	20	40	50	50
O-S	20,000 sq. ft.	100	2	28.5	50	20	40	50	50
M-1	1 acres	120	2	28.5	50	30	60	50	80
M-2	5 acres	250	2	28.5	75	30	60	50	50
E-1	10 acres	330	2	28.5	75	30	60	50	5
RC	10 acres	330	2	28.5	75	50	100	50	5
PR	1 acres	110	2	28.5	75	50	100	50	5
PS	1 acres	110	2	28.5	50	25	50	35	30
VC	-	-	2	28.5	0	0 ¹	0	0	²
RMH	Refer to division 7 of this article for regulations regarding residential mobile home district								
PUD	Refer to division 13 of this article for regulations regarding planned unit development district								
*Refer to division 6 of this article for additional regulations									
¹ If no common side wall is provided, a minimum of five feet of separation is required between buildings.									

² One hundred percent lot cover is allowed when the site is serviced by off-site sanitary sewer and parking facilities.

(Ord. No. 26, § 25.00, 9-13-1990; Ord. No. 2012(4), § 2, 7-12-2012; Ord. No. 2017(2), § 2, 11-9-2017)

Secs. 40-573—40-592. Reserved.

ARTICLE IV. SPECIAL DEVELOPMENT STANDARDS

Sec. 40-593. Condominium project regulations.

Condominium projects shall be subject to the following regulations:

- (1) *Intent.* It is the intent of this section to regulate condominium projects in accordance with this chapter and any other applicable township standards and regulations.
- (2) *General requirements.*
 - a. Any condominium project shall comply with the use, density, setback and other applicable regulations of this chapter.
 - b. In a site condominium project, each condominium lot shall be considered equivalent to a single lot as defined by this chapter and shall meet all minimum requirements for area, width, and depth-to-width ratios.
 - c. Each condominium lot shall front on and have direct access to a public road or a private street approved by the township board. Approval for a private street may be conferred by the township board during site plan approval.
- (3) *Approval of the condominium plan and condominium documents.*
 - a. Approval of the site plan and proposed condominium documents by the planning commission and township board in accordance with the provisions of this chapter shall be required prior to recording of the master deed for the project, as a condition to the right to construct, expand or convert a condominium project.
 - b. The applicant shall submit a site plan pursuant to the standards and provisions set forth in sections 40-136 or 40-594 (if applicable).
 - c. Prior to township board review and approval, the applicant shall submit the proposed condominium documents. The proposed condominium documents shall be reviewed by the township attorney and other appropriate staff and consultants prior to action by the township board.
- (4) *Revision of condominium plan.* If the condominium plan is revised prior to the request for final approval, the site plan shall be revised accordingly and submitted for review and approval or denial by the township board before any building permit may be issued, where such permit is required. The township may, in its discretion, allow minor changes to the site plan without the necessity for full review pursuant to this section.
- (5) *Monuments.* Monuments shall be established in the following manner:

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- a. Monuments shall be located in the ground and made according to the requirements set forth in this subsection, but it is not intended or required that monuments are placed within the traveled portion of a street to mark angles in the boundary of the site condominium if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
 - b. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
 - c. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
 - d. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof is clearly indicated on the plan and referenced to the true point.
 - e. All required monuments shall be placed flush with the ground where practicable.
 - f. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
- (6) *Requirement for certificates of occupancy.*
- a. Following construction of the condominium development, and prior to the issuance of any certificates of occupancy, the applicant shall secure final approval from the township building official.
 - b. In connection with an application to receive any certificate of occupancy, the applicant shall submit:
 - 1. A copy of the recorded master deed (including exhibits).
 - 2. A copy of any recorded restrictive covenants.
 - 3. Two copies of an as-built survey.
 - 4. A copy of the site plan of photographic hard copy, laminated photostatic copy or Mylar sheet of at least 13 inches by 16 inches with an image not to exceed 10½ inches by 14 inches at a scale of at least one inch equals 100 feet.
 - 5. Appropriate approval from the state and/or county for any improvements for which such approvals are required.
 - 6. Fees as established by resolution of the township board.
 - 7. Certification that monuments have been installed or that a cash escrow, in an amount as determined by the township, has been deposited with the township to ensure installation.
 - c. The township building official, township attorney, township engineer, and other appropriate staff and consultants shall review the condominium documentation to ensure that the documentation meets the requirements of this chapter, as well as any other applicable laws or regulations, and that the documentation contains satisfactory provisions dealing with:
 - 1. Repair, replacement, and maintenance of facilities that service the condominium development, including, but not limited to, roads, stormwater maintenance facilities, sanitary sewer facilities, and water facilities;

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2. Access to the condominium project for governmental purposes; and
 3. Any other provisions reasonably determined to be necessary.

Review of this documentation shall include any easements or similar documents for property outside the condominium project which services the project.

- d. The township building official, township attorney, township engineer, and other appropriate staff and consultants shall review the information submitted to ensure that the condominium development has been constructed in accordance with the approved site plan, approved condominium documents, the provisions of this section, and applicable provisions of this chapter, applicable township ordinances, and engineering standards, and any other applicable laws or regulations. All condominium projects shall also comply fully with all applicable state and federal statutes.
 - e. In the event required monuments, stormwater drainage facilities, sewage disposal facilities, water supply facilities, or any other required improvements are not completed prior to occupancy of any condominium unit, the township supervisor may require a performance guarantee be provided by the applicant in accordance with section 40-35 to ensure the installation and/or completion of such improvements without cost to the township.
 - f. If certificates of occupancy are required for only a portion of the land included within the approved site plan, all improvements necessary to service the portion for which approval is requested must be initiated or completed, or the appropriate performance guarantee provided by the applicant in accordance with section 40-35 to ensure the installation and/or completion of such improvements without cost to the township. This subsection shall apply even if the improvements to be constructed are located outside the portion for which final approval is requested.
- (7) *Amendment to condominium documents.* Any amendment to a master deed or bylaws that affects the approved site plan, or any conditions of approval of a site plan, shall be reviewed and approved by the township board, before any building permit may be issued which could be affected by such amendment, where such permit is required. In such event, the township board may require the applicant to submit information reasonably required to allow the township board to make a decision. The township board may require its review and approval of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.
- (8) *Conversion condominiums.*
- a. The applicant shall submit a conversion condominium plan to the township in accordance with this section and section 40-136 (site plan review). A plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site and/or building changes.
 - b. If the township determines the site and/or building changes on the property are not significant, then conversion condominium plan approval may be granted administratively, following a review and recommendation from the township planning consultant and township engineering consultant. The township may waive any of the requirements of section 40-136(3) or (4) administrative approval process. Modifications to parking to bring it into compliance with section 40-681, and landscaping and/or screening upgrades that are necessary to bring the site into compliance with the standards of section 40-721 are examples of changes that are not significant. If the township determines the site changes are significant, the condominium conversion plan shall be reviewed in the same manner as a new development on the site. Significant changes may include, but are not limited to:
 1. An increase in the number of units, either as a result of interior subdividing or new construction;

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2. Provision of additional site features or amenities, such as garages, community or recreation buildings, and the like;
 3. Any site work that would impair a state or township-regulated wetland;
 4. A reduction in available off-street parking to less than the minimum required by this chapter; or
 5. If a rezoning is requested or required.
- c. Following the administrative approval of the conversion condominium plan, exhibit B drawings and master deed and bylaws shall be submitted for review by the township attorney, township planning consultant, township engineer, and other appropriate staff and consultants, to ensure that the documentation meets the requirements of this section, as well as any other applicable laws or regulations, and that the documentation contains satisfactory provisions dealing with the following:
1. Repair, replacement and maintenance of facilities that service the condominium development, including, but not limited to, roads, stormwater facilities, sanitary sewer facilities, and water facilities;
 2. Access to the condominium project for governmental purposes; and
 3. Any other provisions reasonably determined to be necessary.
- Review of this documentation shall include any easements or similar documents for property outside the condominium project that services the project.
- d. If the exhibit B and master deed and bylaws are complete, the township attorney, township planning consultant and township engineering consultant shall recommend approval, approval with conditions, or disapproval to the township.
- e. The township shall have the authority to approve the exhibit B and master deed and bylaws. The exhibit B drawings shall be substantially identical to the approved conversion condominium plan. If the township approves the exhibit B and master deed and bylaws, he shall direct the township attorney to record the approved documents with the county register of deeds.
- f. Once the exhibit B and master deed and bylaws have been recorded, the applicant may sell units within the condominium.

(Ord. No. 26, § 18.10, 9-13-1990; Ord. of 12-11-2008(2), § 1(13); Ord. No. 2013(3), § 2, 3-14-2013)

State law reference(s)—Condominium act, MCL 559.101 et seq.

Sec. 40-594. Cluster housing regulations.

- (a) *Intent.* The intent of the cluster housing option is to permit the development of single-family and two-family residential patterns which, through design innovation, will:
- (1) Allow greater flexibility;
 - (2) Encourage a more creative approach to the development of single-family residential areas;
 - (3) Encourage a more efficient aesthetic and desirable use of the land;
 - (4) Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets;

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- (5) Encourage the provision of open space so that benefits may accrue directly to the residents of the development;
 - (6) Provide for optimum setbacks from major thoroughfares and/or freeways;
 - (7) Provide for the sound physical development and handling of site situations where a conventional subdivision approach would be unnecessarily restrictive.
- (b) *Applicability.* The cluster housing option may be applied for in the R-1A, R-1, R-2 and R-3 single-family residential districts and in the RM and RM-1 multiple residential districts, in the RM and RM-1 districts, cluster housing developments shall comply with restrictions applied in the R-3 district. The following additional standards shall determine whether the cluster housing option is treated as a permitted or special land use:
- (1) *As a permitted principal use.* The cluster housing option shall be a principal use permitted of right in the zoning districts described in this subsection where a minimum of 50 percent of the net site area is permanently preserved in an undeveloped state, subject to all applicable standards set forth herein. Application for cluster housing as a principal use permitted of right shall be at the option of the applicant. This option shall be known as the open space preservation provision of this chapter.
 - (2) *As a special land use.* The cluster housing option shall be a special land use in all other circumstances where it is not a permitted use, subject to all applicable standards set forth herein.
- (c) *Criteria.* In the review of any proposed special land use development under this section, the township shall make a finding that the intent of the cluster housing option, as set forth in subsection (a) of this section and one or more of the standards set forth below are met:
- (1) The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees; land which serves as a natural habitat for wildlife; wetlands; bodies of water (e.g., streams, rivers, and lakes); unusual topographic features; or other natural assets which should be preserved.
 - (2) The parcel contains major topographic conditions which make development under the normal subdivision approach impractical. In considering qualification under this subsection, the township shall determine that the following conditions exist:
 - a. The natural land forms are so arranged that the change of elevation within the site includes slopes in excess of 15 percent between these elevations. These elevation changes and slopes shall appear as the predominant feature of the site rather than the exception or infrequent feature of the site.
 - b. Mass grading of the site would be necessary in order to achieve the maximum road grade permitted by the county road commission and the use of cluster housing development will allow for a greater preservation of a desirable natural setting.
 - (3) The parcel contains substantial portions of floodplain and wetlands, as verified by a floodplain and wetlands map, issued by the appropriate federal, state, county or township agency, or prepared by a qualified wetlands consultant.
 - (4) Due to the size and shape of the parcel, utilization of the cluster lot option would result in the more creative and efficient use of the property and would not create a negative impact upon surrounding properties.
- (d) *Procedures for review and approval, principal use permitted of right.* The procedures set forth in subsection (e) of this section shall be followed in the review and approval of applications of the cluster housing option permitted of right, with the following changes.

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- (1) The project narrative and site analysis required by subsection (e)(1)a.1 of this section shall not be required.
 - (2) The planning commission and township board review of the concept plan shall be limited to a determination of the achievable density on the property.
 - (3) The application shall be subject to all other applicable ordinances, laws, and rules, including specifically section 40-136 and the applicable provisions of subsections (e), (f) and (h) of this section.
- (e) *Procedures for review and approval.* A two part process will be followed in the review and approval of applications for the cluster housing option, described as follows:
- (1) *Concept plan review.* The application for a cluster housing option shall require the review of concept plans and relevant supportive material by the planning commission and township board. The following procedures shall be followed:
 - a. The applicant shall file a request for a concept review by the planning commission by filing with the clerk an application, the applicable fee, and 12 copies of the following information:
 1. Project narrative and site analysis: A summary explanation and graphic illustration of the development concept and the manner in which the criteria in subsection (c) of this section are met.
 2. *Density concept plan.* A plan which illustrates achievable development of the property without application of the cluster option and with all applicable ordinances and laws observed. The density concept plan shall not rely upon community septic and sewer systems, as defined by this chapter, to justify achievable density.
 3. *Cluster concept plan.* A plan which illustrates development of the property with application of the cluster option.
 - b. Both the density and cluster concept plans shall contain the following information:
 1. Evidence of ownership; location and description of site; dimensions and areas.
 2. General topography, soils information, woodlands, wetlands, floodplains and surface water.
 3. Scale, north arrow, date of the plan.
 4. Existing zoning of site; existing land use and zoning of adjacent parcels; location of existing buildings, drives and streets on the site and within 100 feet of the site.
 5. Lot and street layout.
 6. Location, size, and uses of open space.
 7. General description of proposed water, sewage disposal, and storm drainage systems.
 - c. Upon receipt of an application for concept review, the clerk shall transmit the application and related material to the planning commission, township planner, and township engineer. Concept review shall be scheduled at the first available planning commission meeting.
 - d. The planning commission shall review concept plans and relevant supportive material and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The planning commission shall provide the township board with a specific recommendation in regards to the density concept plan and cluster concept plan. The official minutes shall reflect the recommendations of the planning commission.

- e. Following completion of concept review by the planning commission, the application and related material shall be transmitted to the township board for action.
 - f. Specific details of the site plan prepared in accordance with section 40-136 shall serve as the basis for determining that all township standards have been met.
- (2) *Final review.* Within 12 months following the review and approval of the concept plan, by the township board, the applicant shall submit a final plan in accordance with the procedures set forth in section 40-145 and conforming to this section. If a final plan is not submitted by the applicant for approval within 12 months following receipt of township board approval of the concept plan, the concept review becomes null and void.
- (f) *Site design requirements.* All cluster developments submitted under this option shall conform to the following site design requirements:
- (1) *Type of dwelling unit permitted.* Development is restricted to single-family and two-family dwelling units.
 - (2) *Density.* Whether a permitted use or special land use, the number of dwelling units permitted under the cluster housing option shall not exceed the number of dwelling units if the site were developed with a conventional layout and all applicable ordinances and laws observed, as demonstrated by the density concept site plan submittal in accordance with subsection (e)(1) of this section.
 - (3) *Open space.* Cluster housing treated as a permitted land use shall have a minimum of 50 percent of the net site area devoted to open space, provided such open space is left in an undeveloped state, as defined by this chapter.
 - a. Cluster housing treated as a special land use shall have significant areas devoted to open space for the use and enjoyment of residents of the development and the preservation of natural features. Designated open space shall remain either in an undeveloped state and/or used for specifically designated recreational purposes.
 - b. In all cases, designated open space shall be subject to the following standards:
 - 1. Designated open space shall include the areas within any greenbelts required by subsection (f)(6) and (7) of this section.
 - 2. Designated open space shall not include: rights-of-way or easements designated for road purposes; areas within lots; or, land which is under water (lakes, streams, watercourses, and other similar bodies of water).
 - 3. Designated open space shall be designed to avoid fragmentation of the natural resources and to include significant native plant communities and habitats located on the site.
 - (4) *Setbacks.* Minimum setback requirements shall be established in a manner which permits variation in the siting of individual dwelling units in order to encourage creativity in design and compatibility with natural resource features. The following minimum setback requirements for each dwelling unit shall be applied:

MINIMUM SETBACKS AND LOT WIDTH PER DWELLING UNIT (IN FEET)
IN SUBDIVISIONS AND SITE CONDOMINIUMS

Setbacks/districts	R-1A	R-1	R-2	R-3	RM/ RM-1
Front and rear					
Front	50	50	35	35	35
Rear	35	35	25	25	25

Total front and rear	100	100	75	75	75
Side					
Least	20	20	10	10	10
Total of same lot	50	50	25	25	25
Ordinary high-water mark	50	50	50	50	50

MINIMUM SETBACKS AND DISTANCES BETWEEN DWELLING UNITS (IN FEET)
IN REGULAR CONDOMINIUMS

Setbacks/districts	R-1A	R-1	R-2	R-3	RM/ RM-1
Minimum setbacks*					
Internal/drives/streets	50	50	35	35	35
Ordinary high-water mark	50	50	50	50	50
Distance between buildings					
Side/side	40	40	20	20	20
Side/front, side/rear	55	55	35	35	35
Front/front, front/rear, rear/rear	70	70	50	50	50
*Where the cluster development contains drives or streets without a recorded easement, setbacks shall be measured from a point 30 feet from the center of the drive or street.					

- (5) *Required road frontage.* All lots shall have frontage on a public road which has been accepted for maintenance by the county road commission, or a road which is part of a condominium development where design, construction, and perpetual maintenance of the road have been approved by the township. The extent of road frontage shall be determined by the township, in its discretion, taking into consideration: the extent and importance of natural resources, topographical conditions, floodplains, and wetlands to be preserved on the property, the size and shape of the development site; public safety, aesthetics; and, impact upon the surrounding developments.
- (6) *Greenbelt adjacent and parallel to county certified primary and local roads.* It is the intent of the township that cluster lot developments shall not appear to be more intense than conventional developments as viewed from off site. In addition to any required minimum setback specified in subsection (f)(4) of this section, a greenbelt having the minimum width of a 100 feet shall be required along any adjacent county certified primary or local road. The greenbelt shall be measured from the future right-of-way line in accordance with the county right-of-way plan. The township at its discretion, may permit either reductions or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
- (7) *Transition from adjacent parcels.* In order to provide an orderly transition of density when a cluster development abuts a single-family residential district of equal or lower density, the township, at its discretion, shall require designation of open space along the common boundaries; screening in accordance with the requirements of section 40-721; and/or an area or row of lots of commensurate size as neighboring residential lots.
- (g) *Grant of approval.* Upon the grant of special land use approval under this section, the township shall stipulate the general development concept and all discretionary decisions made under this section as part of the approval process, and all conditions imposed as part of the approval.

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- (h) *Preservation and maintenance.* The effectiveness of any approval of a cluster lot development under this section shall be conditioned upon recording of appropriate conservation easements or other instruments for the purpose of providing for long-term maintenance and preservation of common areas, open space areas, wooded areas and/or other areas with natural resources or features to be preserved on the property. Such easement and/or other instrumentation shall be in a form and contain the content approved by the township attorney.

(Ord. No. 26, § 18.11, 9-13-1990)

State law reference(s)—Cluster zoning, MCL 125.3503; open space preservation, MCL 125.3506.

Sec. 40-595. Lake access regulations.

The township is a rapidly developing urbanized township with many lakes of varying sizes and characteristics. The township is concerned about lake ecology and the safe use of lakes within the community and seeks to promote their safe use and preserve them as community assets. In some cases the character and intensity of lake use can create conditions amounting to a nuisance, impair important and irreplaceable natural resources, destroy property values, and threaten the health, safety and welfare of the public. It is the intent of this section to establish a framework for study of specific township lakes on an "as needed" basis. The study will have the purpose of determining whether it is appropriate to permit keyhole access to a lake and if so the minimum regulation necessary to eliminate the conditions which are a nuisance, impair important and irreplaceable natural resources, destroy property values, and threaten the health, safety and welfare of the public. Lake access shall be permitted as a special land use subject to the following:

- (1) *Special land use approval required.* For purposes of this section, the term "lake access" means use of a lake for any purpose. Except as provided in subsection (2) of this section, special land use approval is required to use property to provide lake access:
 - a. Regardless of the means, to persons who do not reside on the property over which lake access is provided;
 - b. To benefited property which does not have lake frontage;
 - c. By license or some other mechanism, to individuals who, as of the effective date of the ordinance from which this section is derived, cannot trace title to a common grantor, within the last conveyance, whose property had direct lake frontage; or
 - d. To proposed lots, units, or parcels in a subdivision development, condominium development, or development created by division of an acreage parcel, where such proposed lot, unit, or parcel does not itself have lake access.
- (2) *Special land use approval not required.* Special land use approval is not required to provide lake access:
 - a. Over or through property which possesses lake frontage at the time of passage of the ordinance from which this section is derived, for the benefit of property which also possesses lake frontage; or
 - b. For the sole purpose of swimming, or launching nonmotorized watercraft that is capable of being hand carried.
- (3) *Other exceptions.* The private use of property with direct lake access by the owner, the owner's family, and the owner's guests on an occasional, informal and casual basis is not intended to be subject to the requirements of special land use approval.
- (4) *Lake study plans.* A detailed graphical lake study plan shall be submitted with the application for special land use. This study is meant to constitute a complete lake boat carrying and capacity study and water

quality study. The plan shall be prepared under the direction of a registered engineer or other licensed professional such as a limnologist, having recognized expertise in this area.

- a. Drawn to scale of one inch equal 50 feet.
- b. Sheet size shall be 24 inches by 36 inches.
- c. General descriptive and identification data shall include:
 1. Petitioner's name, address, telephone number.
 2. Preparer's name, address, telephone number.
 3. Title block.
 4. Scale.
 5. North point.
 6. Date of submission and revisions.
- d. Show gross size of lake in acres or fractions of acres.
- e. Show band 100 feet from shore into lake, determined by lineal foot along the shore.
- f. Show lineal feet of navigable tributaries (including canals).
- g. Show length of shoreline in feet.
- h. Show location of existing drainage courses, canals, floodplains, wetlands, rivers and streams within one-half mile which affects the lake.
- i. Include a depth chart, showing contours of the lake at its bottom.
- j. Include a lake bottom soils survey.
- k. Show existing and proposed lake access easements.
- l. Show location and size of vacant property possessing riparian rights to access to the lake.
- m. Show all points of general or limited public access.
- n. Show actual use of properties with direct lake access.
- o. Show actual use of properties with current keyhole lake access.
- p. Show zoning and master plan for properties with direct lake access.
- q. Show zoning and master plan for properties with current keyhole lake access.
- r. For all properties with keyhole lake access, attach copies of declaration of covenants and restrictions, master deeds or similar recorded instruments providing authority for such access.
- s. Include a use study showing the following:
 1. Number of watercraft docked or stored for lake use. Distinguish by type:
 - (i) Sail craft;
 - (ii) Human powered;
 - (iii) Powered by motors under ten horsepower;
 - (iv) Powered by motors between ten horsepower and 25 horsepower; and
 - (v) Powered by motors over 25 horsepower.

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2. Number of watercraft using the lake during the months of May through September.
 3. Number of reported watercraft accidents, citations, warnings or incidents. The breakdown of those involved in lake accidents as follows:
 - (i) Relationship to lake.
 - A. Stranger.
 - B. Direct lake access owner.
 - C. Keyhole lake access owner.
 - D. Other.
 - (ii) Fault.
 - (iii) Injury.
 - (iv) Property damage.
 - (v) Nuisance behavior.
 - (vi) Other basis for reported incidents.
 4. Lineal feet of shoreline developed for beach purposes.
 5. Usage of the lake for winter recreational purposes, indicating the type of activity, time period for such activity and an approximate number of individuals involved with each such activity. The information shall be provided for the two years immediately preceding the date of the study.
- t. Provide a report showing current water quality of the lake.
 - u. Provide a status report detailing shoreline erosion conditions.
 - v. Provide a report of wildlife, waterfowl and fish habitat conditions on and surrounding the lake.
 - w. If the lake level has been established for the lake, an indication of the lake level established and the means by which such lake level was established.
 - x. List all subdivision associations, condominium associations and public interest groups with an interest in the lake.
 - y. If the lake borders another political subdivision list all regulations affecting lake access.
 - z. Provide any other information requested by the planning commission, township board or their consultants impacting or relating to the need for regulation of lake usage as a means of protecting the public health, safety and welfare.
- (5) *Review considerations.* When reviewing a request for lake access the planning commission and township board shall consider the following factors in addition to those detailed in section 40-145:
- a. Will the additional access create conditions leading to overcrowding of the lake.
 - b. Will the additional access lead to conditions unreasonably limiting the access and use rights of riparian owners.
 - c. Will the additional access lead to conditions which could degrade water quality in the lake to unsafe or unhealthful levels.
 - d. Will the use of the access site create nuisance conditions for neighboring property owners.

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- e. Will use of the access site create unreasonable traffic congestion in the neighborhood surrounding the site.
 - f. Whether a minimum lot size for the keyhole lake access property should be established. In determining whether such a minimum lot size should be established the township board shall consider the following:
 - 1. The proposed size of the keyhole lake access property.
 - 2. The proposed uses for the keyhole lake access property.
 - 3. The approximate number of users for the keyhole lake access property.
 - 4. The effect of the keyhole lake access property on surrounding properties.
 - 5. The absence of presence of any wetlands on such property or surrounding properties.
- (6) *Consultant to review.* The township may elect to have the lake study plans reviewed by its consultants.
- (7) *Expiration.* A lake study plan prepared under this chapter shall be considered to be valid for three years from the date of submittal of the application for special land use under this chapter.

(Ord. No. 26, § 18.12, 9-13-1990)

State law reference(s)—Inland lakes and streams, MCL 324.30101 et seq.

Sec. 40-596. Dixie highway overlay district.

(a) *Intent and purpose*

- (1) The intent of the Dixie Highway Overlay District is to enhance the economic climate of the Dixie Highway Corridor and to provide benefits to business and property owners as well as the township. Further, it is intended that the district provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township; and bring about a greater compatibility of design and use.
- (2) The purpose of the Dixie Highway Overlay District shall be to encourage the development and redevelopment of property in accordance with the township master plan and in a manner that will promote the image of Dixie Highway as a high-quality corridor and an attractive investment environment; allow mixed-use development; promote development that is compatible with the character of the township; encourage the redevelopment and reuse of certain properties which are no longer capable of serving their intended purpose; ensure safe and complementary vehicular and pedestrian circulation patterns; and, control vehicular access to Dixie Highway.
- (3) The provisions of this overlay district are specifically intended to establish Dixie Highway as an area which:
 - a. Promotes the goals and policies of the master plan.
 - b. Provides for a compatible mixture of use in close proximity to one another.
 - c. Enhances the visual appearance of the corridor by preserving natural views and coordinating design of buildings, site arrangement and landscaping, signs and other elements.
 - d. Encourages redevelopment of property by removing or making material modifications to the existing structures, discontinuing the existing nonconforming use on the property, and establishing a new use consistent with the intent and provisions of this section.

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- e. Manages access to existing properties and future development while simultaneously preserving and improving the flow of traffic on the surrounding road system in terms of safety, capacity needs, and speed.
- (b) *Applicable overlay area, conformance with design guidelines and standard review procedure.*
- (1) The Dixie Highway Overlay District includes parcels fronting Dixie Highway from I-75 to Davisburg Road as illustrated on the Dixie Highway Overlay District map which is included at the end of this section and is attached to and made part of the official zoning map of the township. Also shown on the map bordering the Dixie Highway Overlay District is Region 9 of the Resource Protection Overlay District, provisions for which are detailed in section 40-892 of this chapter.
 - (2) Design standards. In addition to complying with the standards set forth in this chapter, all proposed development and construction within the Dixie Highway Overlay District shall comply with the Dixie Highway Design Guidelines that may be amended from time to time by the township board.
 - (3) Standard review procedures. These procedures to be used for projects not utilizing the Dixie Highway Corridor Expedited Review and Flexible Zoning Review option.
 - a. *Site plan review.* For those uses that are permitted principal uses in the underlying zoning districts the site plan review procedures found in section 40-136 must be met.
 - b. *Special land use review.* For those uses that are noted as special land uses in the underlying zoning districts the special land use procedures found in section 40-145 must be met.
- (c) *Dixie Highway Corridor Expedited Review and Flexible Zoning Review Option.*
- (1) *Intent.* The Dixie Highway Corridor Expedited Review and Flexible Zoning option is intended to provide incentives to developers and business owners to work cooperatively with the township to achieve the community's vision for the Dixie Highway Corridor. Incentives to developers include flexibility in the use of property, flexibility in design, and an expedited review process.
 - (2) *Requirements and qualification.* The Dixie Corridor Expedited Review and Flexible Zoning option may be applied for in any zoning district within the Dixie Highway Overlay District subject to the following criteria, to be addressed in a separate project narrative and provided as part of each expedited review application. To qualify, the township planning commission, and if applicable the township board, shall find that each of the following criteria has been met.
 - a. The proposed development shall be consistent with the goals and policies of the township master plan.
 - b. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden on public services, facilities, roads and utilities.
 - c. The proposed development shall not negatively impact the public health, safety and welfare of the township.
 - d. The proposed development shall conform to the requirements of the Dixie Highway Design Guidelines, unless modified during the plan review process.
 - e. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this chapter.
 - f. The development proposed shall demonstrate one or more of the criteria found in section 40-596(a)(3).
 - (3) *Flexible land use and standards as authorized by Section 503 of the Michigan Zoning Enabling Act.* Although consistent with the master plan, certain projects may deviate from the underlying zoning and/or contemplate redevelopment or reuse of nonconforming properties. To address site challenges

and further promote the intent and purpose of the Dixie highway Overlay District, the following shall apply to the review of development proposed as a part of the Dixie Highway Corridor Expedited Review and Flexible Zoning Option.

- a. *Allowed Uses.* Any use or a combination of uses listed in the following table, subject to section 40-596(c)(4)c. Dixie Highway Overlay Expedited Review Procedures may be allowed.

Land Use
<i>Residential</i>
One-family detached dwellings.
Family child care homes.
State licensed residential facilities.
Two-family residential housing units
Cluster housing
Group child care homes
Day care centers
Multiple-family dwellings.
Adult foster care facilities for more than 12 adults, including an adult foster care large group home.
Adult foster care congregate facilities.
Nursing homes licensed under article 17 of Public Act No. 368 of 1978 (MCL 333.20101 et seq.).
<i>Commercial</i>
Tree and shrub nurseries.
Retail businesses selling groceries, beverages, meats, fruit, produce, dairy products and baked goods; drugs, dry goods, and notions; shoes, clothing, and jewelry; hardware and paint; books, gifts and cards
Laundry or dry-cleaning customer outlets, coin-operated laundromat, and self-serve dry cleaning center
Restaurants
Video rental stores
Fitness facilities
Automobile repair facility, minor, automobile filling/convenience station, automobile filling/mixed use station, and automobile filling/service station
Wireless communication facilities
Automobile wash buildings.
Building material, home improvement and landscape material sales.
Automobile sales and service facility, offices or showrooms
Mortuaries.
Fast food and drive-in restaurants
Hotels and motels.
Automobile repair facility, major
Recreational vehicle sales and service facility
Commercial outdoor recreation uses such as amusement parks, golf driving ranges, and similar uses.
Open air business uses, including retail sales of plant materials, not grown on the site; and sales of lawn furniture, playground equipment, and home garden supplies.
Bowling alleys or similar forms of indoor commercial recreation.
Commercial dog kennels and pet cemeteries
Self-storage facility
Automobile towing service
Large scale retail development
General and specialty hospitals.

Florist shops.
Personal service establishments, such as photographic studios, barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
Pharmacies, including stores selling or renting durable medical equipment, when located within an office building.
Computer and business machine sales and service.
Private service clubs, fraternal organizations and lodge halls.
Office/Research
Athletic fields, running tracks, and game courts for baseball, softball, football, soccer and other active sports
Office buildings for the use of any of the following occupations: executive; administrative; professional; real estate; insurance; accounting; writing; clerical; stenographic; drafting; and sales.
Medical and dental offices, including clinics and medical laboratories.
Veterinary offices and hospitals, including accessory boarding. No outdoor exercise runs or pens are permitted.
Banks, credit unions, savings and loan associations.
Government and public utility offices.
Training and/or educational centers where such centers are designed and intended to provide training at the business, technical, and/or professional level.
Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.

b. *Modification and deviations from zoning provisions.* Modifications or deviations from the specific requirements of this section may be considered upon a request of the applicant and upon finding that one or more of the following factors are found:

1. Nonconforming lot area (limited parcel depth and width) and the arrangement of site features provide inadequate space to accommodate one or more dimensional requirements.
2. The public benefit intended by the provisions in question could be achieved with less than the required standard.
3. The regulation prevents reasonable use of the site.
4. Other design constraints and considerations as approved by the Planning Commission.

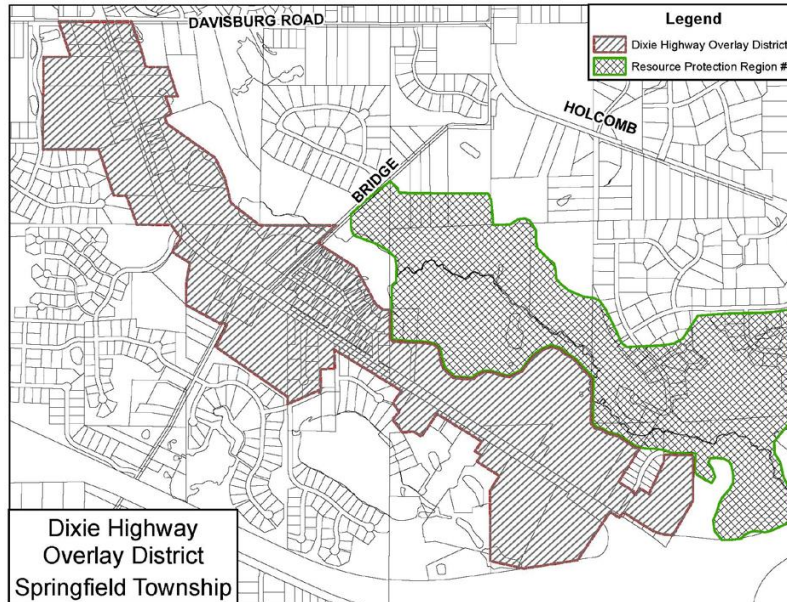
c. *Development bonus incentives.* In order to encourage projects that exceed minimum requirements and as an incentive to develop a property in a way that would enhance the overlay district and to provide an option for applicants, the following development bonuses may be granted by providing two or more district enhancements options as adopted by resolution of the township board. Development bonus incentives may be requested in addition to or separate from modifications and deviations as noted in the previous section.

The following development bonuses may be considered by the planning commission:

1. Increased residential development density (maximum 25 percent increase in residential density).
2. Increased signage (maximum 25 percent increase in sign area)
3. Relief from one or more of the specific architectural standards of the district as contained in the Dixie Highway Design Guidelines.

(4) *Dixie Overlay expedited review procedure.*

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- a. *Pre-application meeting.* Applicant reviews the development concept with township staff including the township planning administrator, township supervisor or designee, planning consultant, engineering consultant, and township attorney as necessary. The pre-application meeting also will be used to discuss the requirements, qualification and procedure for expedited review, the Dixie Highway Design Guidelines, and other applicable zoning standards and regulations pursuant to section 40-136(h)(2)a. Additional pre-application meetings may be requested by either the applicant or township prior to submission of a final site plan.
 - b. *Checklist review of application packet.* Applicant submits a completed application for expedited review and a project narrative detailing thorough demonstration of conformance with the requirements of [section] 40-596(c)(2), and identifying any modifications or deviations requested per [section] 40-596(c)(3)b., and/or development bonus requested per [section] 40-596(c)(3)c.
 1. If the application packet is complete and no modifications, deviations, or development bonuses are requested, the applicant will be directed to submit a final site plan for review as detailed in subsection c. below.
 2. If the application packet is complete and includes a request for modification, deviation, and/or development bonus, the applicant will be directed to submit a final site plan for review as special land use as detailed in subsection d. below.
 3. If the application packet is incomplete, the applicant is notified of the deficiencies and may address the deficiencies and request an additional pre-application meeting, or resubmit an application under standard review procedures.
 - c. *Review as site plan.* The expedited review procedure eliminates the need for preliminary site plan. Applicant submits the information and follows the procedures required for a final site plan pursuant to section 40-136(g)(2)(c), and complete project narrative.
 - d. *Review as special land use.*
 1. All uses or combination of uses which are listed as principal uses—Permitted subject to special conditions or are not permitted in the underlying district, or require a modification or deviation from zoning provisions or a development bonus as outlined above shall require special land use approval and may, upon request of the applicant, proceed to a combined special land use and final site plan review.
 2. If a development bonus as described is requested by the applicant, the planning commission shall review the District Enhancements proposed and make a recommendation to the township board that the proposed development bonus enhancements addresses the intent and purpose of this section. The township board shall consider the planning commission's recommendation and make the final determination regarding the development bonus.



(Ord. No. 26, § 18.13, 9-13-1990; Ord. No. 2020(6) , § 1, 11-12-2020)

Sec. 40-597. Mineral mining.

- (a) *Intent and purpose.* It is the intent and purpose of this section to promote the underlying spirit and intent of this article, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited. These regulations are also intended to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to ensure that mineral mining activities are consistent with the public health, safety, and welfare of the township.
- (b) *Application of regulations.* The mining of sand, gravel, stone, and/or other mineral resources in the township shall be allowed under the following circumstances: a) as authorized by the grant of special land use and site plan approval by the township board, after recommendation of the planning commission, in accordance with this section or b) pursuant to section 40-554 as to mining operations in effect as of December 31, 2015. Mineral mining shall also be subject to the requirements of chapter 12, article IV, mining control. Mineral mining shall be considered a special land use in the R-1A, C-1, C-2, PL, M-1 and M-2 Districts and shall be prohibited in all other districts.
- (c) *Exemption.* Uses and activities which do not require a permit under section 12-80(c) shall be exempted from the provisions of this section.
- (d) *Application requirements.* The following information shall be submitted:
 - (1) A completed application for special land use approval as set forth in section 40-145.
 - (2) A completed application and all required information for site plan approval as set forth in section 40-136.
 - (3) A completed application and all required information as set forth in section 12-81.
 - (4) Market information. The applicant shall submit a report prepared by a geologist and/or other experts with appropriate credentials to demonstrate compliance with MCL 125.3205, as amended, that the natural resources to be extracted shall be considered valuable, and the applicant can receive revenue

and reasonably expect to profit from the proposed mineral mining operation. The applicant shall also provide documentation to demonstrate that there is a need for the natural resources to be mined by either the applicant or in the market served by the applicant.

(e) *Standards.* The applicant shall have the burden of demonstrating that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the applicant, or in the market served by the applicant, and that no very serious consequences would result from the extraction, by mining, of the natural resources.

(1) The decision on a special land use request under this section shall be based upon the following:

- a. A determination by the township board that the applicant has met the burden of demonstrating that there are valuable natural resources on the relevant property and that there is a need for the natural resources by the applicant or in the market served by the applicant;
- b. A determination by the township board that the applicant has demonstrated compliance with the standards for special land use approval contained in this chapter.
- c. A determination by the township board that very serious consequences would not occur as a result of the mining operations. The following factors shall be considered in making that determination:
 1. The relationship of extraction and associated activities with existing land uses.
 2. The impact on existing land uses in the vicinity of the property.
 3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.
 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 6. The overall public interest in the extraction of the specific natural resources on the property.
- d. The proposed mining operation shall have immediate and direct access to a road having the necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.

(f) *Approval.* For operations requiring special land use approval it is the intent that the application procedure in this section and the application procedure for a mining permit of section 12-81 be reviewed concurrently.

(g) *Conditions.* In addition to any other conditions that may be imposed by the Township Board, a condition of special land use approval is that:

- (1) During the term of the special land use permit, the total area (or areas) being mined and which has (or have) not been reclaimed shall at no time exceed the lesser of 150 acres or 40 percent of the entire parcel approved as a special use; and
- (2) The applicant shall be required to secure any renewals of the mining permit required by section 12.81.

(Ord. No. 2016(7), § 1.1, 9-8-2016)

Secs. 40-598—40-620. Reserved.

ARTICLE V. SUPPLEMENTAL REGULATIONS

DIVISION 1. GENERALLY

Sec. 40-621. Community recreation centers.

Community recreation centers are subject to the following:

- (1) The site shall have direct accessibility to a paved public road.
- (2) A minimum 100-foot setback shall be required between the principal structure and any adjacent residentially zoned or used property.

Sec. 40-622. Environmental education centers.

Environmental education centers are subject to the following:

- (1) Off-street waiting space shall be available for dropoff and pickup of visitors by school buses and private automobiles outside of the right-of way of any public street.
- (2) All buildings shall be set back at least 50 feet from all abutting property lines.

Sec. 40-623. Golf courses, including accessory clubhouses, driving ranges, pro shops, maintenance buildings and recreational facilities.

Golf courses, including accessory clubhouses, driving ranges, pro shops, maintenance buildings and recreational facilities, are subject to the following:

- (1) The site shall have direct accessibility to a paved public road.
- (2) The location of structures, such as the clubhouse and accessory buildings, and their operations shall be reviewed by the planning commission to ensure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities abutting residential properties. A minimum 50-foot setback shall be required between any structures and any residentially zoned or used property, except that a minimum 100-foot setback shall be required between any maintenance building and/or yard and any adjacent residentially zoned or used property.
- (3) All storage, service and maintenance areas when visible from adjoining residentially zoned or used land shall be screened in accordance with the requirements set forth in section 40-721.
- (4) Swimming pool areas shall be surrounded with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.
- (5) Winter activities such as skating, crosscountry skiing, sledding and tobogganing may be permitted by the township board, if it finds such uses to be consistent with the standards found in section 40-145.

Sec. 40-624. Public and private elementary, middle and high schools.

Public and private elementary, middle and high schools are subject to the following:

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- (1) The minimum lot area shall be ten acres for elementary schools, 20 acres for middle schools, and 40 acres for high schools.
 - (2) Off-street waiting space shall be available for dropoff and pickup of students by school buses and private automobiles outside of the right-of-way of any public street.
 - (3) A minimum 50-foot setback shall be required between the principal structure and any adjacent residentially zoned or used property.

Sec. 40-625. Colleges, universities and other such institutions of higher learning, both public and private, offering courses in general, technical, or religious education.

Colleges, universities and other such institutions of higher learning, both public and private, offering courses in general, technical, or religious education, are all subject to the following:

- (1) The minimum site area shall be 40 acres.
- (2) All ingress and egress from said site shall be directly on to a major thoroughfare as so designated on the thoroughfare plan of the Springfield Township Master Plan.
- (3) No building shall be closer than 100 feet to any property line.

Sec. 40-626. Public and private nursery and kindergarten schools.

Public and private nursery and kindergarten schools are subject to the following:

- (1) The subject parcel shall have the minimum lot area, width and setback requirements for the zoning district in which it is located.
- (2) The property shall be maintained in a manner that is consistent with the character of the neighborhood.
- (3) Off-street waiting space shall be available for dropoff and pickup of students by school buses and private automobiles outside the right-of-way of any public street.
- (4) There shall be an outdoor play area of at least 5,000 square feet provided on the premises. Said play area shall not be located within the front yard setback. This requirement may be waived by the planning commission if a public play area is within 500 feet of the subject parcel.
- (5) All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four feet in height, but no higher than six feet.

Sec. 40-627. Day care centers.

Day care centers are subject to the following:

- (1) The site shall meet the minimum lot area requirements of the zoning district in which the use is located but in no case shall be less than one acre.
- (2) All buildings shall meet the minimum setback requirements of the zoning district in which the use is situated, except that no building shall be located any closer than 50 feet from the boundary of a neighboring residentially zoned or used property.
- (3) A separate dropoff and pickup area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

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- (4) A day care center shall only be located on a paved county primary road or state trunkline.
 - (5) There shall be an outdoor play area of at least 5,000 square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the planning commission if public play area is available 500 feet from the subject parcel. All required outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four feet in height, but no higher than six feet.
 - (6) The property shall be maintained in a manner that is consistent with the character of the neighborhood.
 - (7) The hours of operation shall not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the dropoff and pickup of children is not disruptive to neighboring residents.
 - (8) Appropriate licenses with the state shall be maintained.

Sec. 40-628. Automobile repair facility, minor; automobile filling/convenience station; automobile filling/mixed use station; and automobile filling/service station.

Automobile repair facilities, minor, automobile filling/convenience stations, automobile filling/mixed use stations, and automobile filling/service stations are subject to the following:

- (1) The lot for the automobile service station shall have 150 feet of frontage on the principal street serving the station.
- (2) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location or the location of its driveways:
 - a. As compared to similar uses;
 - b. Considering turning movements in relation to other lots, existing buildings, or proposed buildings on or near the site and the traffic pattern from such buildings;
 - c. Considering its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly; and/or;
 - d. Considering its location and proximity to other surrounding uses.
- (3) Driveway tapers and acceleration and deceleration lanes shall be designed according to the provisions set forth in section 40-684—Driveway approaches. Driveway spacing shall be in conformance with section 40-683—Access management and may be no closer than 20 feet to the side property line, with the exception of combined driveways that may be located on or adjacent to a property line. The maximum width of each driveway at the right-of-way line shall be no more than 30 feet unless modified by the planning commission during the site plan review process to ensure adequate access of delivery and emergency vehicles. Whenever possible, a combined driveway for both service station and an adjacent commercial property shall be designated and provided.
- (4) If a separate automobile wash is proposed, it must maintain a minimum distance of 25 feet from any lot line, and shall not encroach on the required front, side or rear yards.
- (5) Additional screening or noise buffering pursuant to section 40-721(b)(3). Screening between land uses, may be required at the discretion of the township taking into consideration adjacent land uses.
- (6) All buildings must be oriented so that service bay and automobile wash doors face away from any abutting residentially zoned or used property.

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- (7) If a canopy is proposed over the gasoline pumps, the canopy design must relate to the facade design of the main building. The minimum clear distance to the canopy bottom shall be 16 feet with a maximum canopy height of 20 feet. Canopy height may be increased to 25 feet if a pitched roof is incorporated in the design. The location of the canopy must meet all minimum setback requirements for the district as enumerated in section 40-572.
 - (8) Outside sales areas shall be located within five feet of the building. One display/sales rack may be permitted adjacent to each row of pump islands. Propane sales shall be located outside the principal building in an enclosure designed and approved for such purpose. All outside sales areas, displays, racks, and/or enclosures shall not obstruct pedestrian or vehicular access ways.
 - (9) Vehicles awaiting repair must be parked in a designated parking space. One such vehicle per service bay may be parked on-site for no more than 48 hours.
 - (10) One tow-truck that is accessory to the subject principal use may be parked on-site within a designated parking space.

(Ord. No. 2019(11) , § 1, 10-10-2019)

Sec. 40-629. Automobile repair facility, major.

Automobile repair facilities, major, are subject to the following:

- (1) The site for any such use shall (except for frontage on a public street and any outdoor vehicle storage areas) be screened in accordance with section 40-721(b)(3).
- (2) The outside storage of permitted automobiles shall be screened as follows: All vehicles shall be screened from off-site view by walls (including building walls) or fences at least eight feet in height. However, a screening wall or fence less than eight feet high, but not less than six feet high, existing on the date of enactment of the ordinance from which this section is derived may serve in lieu of such eight-foot wall or fence. The material and surface of such walls or fences shall be approved by the body responsible for site plan review, vine-covered or otherwise improved by the use of planting. All outside storage areas shall be specifically shown on the site plan, and be approved by the township.
- (3) Wrecked, damaged or otherwise inoperable motor vehicles shall be stored in said parking/storage area for a period not to exceed 72 hours. No more than a total of three such vehicles per service bay shall be stored at any time.
- (4) Devices and controls adequate to meet the standards enumerated in article VI relative to sound, vibration, smoke, odor, heat, glare, or gases shall be installed.
- (5) Adequate means of sanitary disposal of any waste material shall be provided.
- (6) Storage of materials, supplies, equipment or similar items shall be in an enclosed building.
- (7) Dismantling and/or salvaging of vehicles for parts recovery in this district is prohibited.

Sec. 40-630. Self-storage facility.

Self-storage facilities are subject to the following requirements and conditions:

- (1) *Prohibited activity in relationship to the rental of units.*
 - a. No activity other than rental of storage units shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed. Examples of prohibited activities (commercial or personal) include but are not limited to:

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1. Auctions, wholesale or retail sales, miscellaneous or garage sales, except those conducted by the owner of the self-storage facility to dispose of those items abandoned by individual tenants.
 2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances, furniture, machinery or other similar property.
 3. The operation of power tools, painting equipment, compressors, welding equipment or similar tools and equipment.
 4. The storage of goods needed and used on a regular basis as part of a business.
- b. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited. Fuel tanks on any motor vehicles, boat, lawnmower or similar property will be drained or removed prior to storage. Batteries will be removed from vehicles before storage and shall not be stored within units under any circumstances.
 - c. All outdoor storage of automobiles and recreational vehicles shall be screened in accordance with section 40-721(b)(3).
- (2) *General requirements.*
- a. The minimum lot area used for self-storage facilities shall be two acres. Other uses on the same property shall not be included in the two-acre minimum area.
 - b. Each facility must provide for emergency vehicle access at all times.
 - c. No structure may exceed one story in height.
 - d. The total lot coverage by structures shall be limited to 50 percent of the total lot area used for the self-storage facility.
- (3) *Parking, drives and loading areas.*
- a. One parking space for every 150 storage spaces or fraction thereof shall be located adjacent to the project office. A minimum of three such spaces shall be provided.
 - b. Distance between storage unit buildings shall be a minimum of 24 feet.
 - c. All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one-way).
 - d. During the site plan review process the applicant must demonstrate that emergency vehicles and other vehicles that would typically utilize such a facility can circulate through the site adequately, i.e., entering and exiting the site without having to back up.

(Ord. No. 2012(3), § 1, 6-14-2012)

Sec. 40-631. Truck stops.

Truck stops are subject to the following:

- (1) All buildings established in relation to a truck stop shall be no closer than 1,000 feet from residentially zoned or used property.
- (2) A minimum width of any driveway intended to accommodate truck traffic shall be 36 feet wide at the right-of-way line.
- (3) The facility shall provide adequate parking for truck layover, truck scales and adequate space for queuing at gas/fuel islands.

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- (4) Outdoor storage of disabled vehicles is prohibited.
 - (5) Outdoor storage of truck parts or supplies is prohibited.
 - (6) The facility may not be located within 1,000 feet of any public or private school, hospital, church, nursing home or housing complex containing more than 50 residential units, measured from the nearest lot line on a straight line.

Sec. 40-632. Fleet fuel storage and dispensing facility.

Fleet fuel storage and dispensing facilities are subject to the following:

- (1) Devices and controls adequate to meet the standards enumerated in section 40-453 relative to sound, vibration, smoke, odor, or gases shall be installed.
- (2) Adequate means of sanitary disposal of any waste material shall be provided.
- (3) Any proposed catchbasins on the site shall, at a minimum, contain grease/oil separators.
- (4) Storage of materials, supplies, equipment, vehicles or similar items shall be in an enclosed building. Outside storage is prohibited.

Sec. 40-633. Encumbering of land required to satisfy regulations.

No portions of a lot or parcel used in connection with an existing or proposed building, structure, or use, and necessary for compliance with the area, height, bulk, density, placement, and related provisions of this chapter shall through sale or otherwise be used as part of the lot or parcel required in connection with any other building, structure, or use existing or intended to exist at the same time.

(Ord. No. 26, § 16.00, 9-13-1990)

Sec. 40-634. Exception to height limits.

No building or structure shall be erected, converted, enlarged or structurally altered to exceed the height limit hereinafter established for the district in which the building is located. Exceptions shall be subject to the following provisions:

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, individual domestic radio and television aerials, energy conservation devices, roof-mounted wind energy conversion systems, water tanks, or similar structures may be erected above the height limits herein prescribed. However, no such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building.
- (2) Public communication or public utility microwave towers shall be subject to the provisions of section 40-648.

(Ord. No. 26, § 16.10, 9-13-1990; Ord. of 5-13-2010, § 1)

Sec. 40-635. Permitted projections into required setbacks.

Certain architectural features such as cornices, eaves, gutters, awnings, and bay windows may project no more than three feet into the required front or rear yard and no more than two feet into the required side yard.
(Ord. No. 26, § 16.11, 9-13-1990)

Sec. 40-636. Obstructions to visibility.

No obstructions to vision creating a safety hazard shall be permitted at road intersections, within road rights-of-way, or at driveway approaches.
(Ord. No. 26, § 16.12, 9-13-1990)

Sec. 40-637. Moving buildings.

Moving of buildings within, into, and out of the township shall be approved by the township board prior to such moving. Approval shall be contingent upon the board determining that the following conditions have been met:

- (1) Adequate insurance is provided to protect any improvements in the public right-of-way.
- (2) Adequate police protection has been arranged for with the appropriate police agency.
- (3) Where a structure is moved into the township, the structure must comply completely with all codes and ordinances prior to obtaining a certificate of occupancy.
- (4) Adequate financial guarantees are posted with the township to ensure completion of the building and site work within one year from placement of the building on the site.
- (5) Proper arrangements have been made and routes chosen to ensure continuation of school bus, police, fire, emergency, and similar services to all areas of the township.

(Ord. No. 26, § 16.15, 9-13-1990)

Sec. 40-638. Single-family dwelling unit standards.

No single-family dwelling located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- (1) *Square footage.* Each such dwelling unit shall comply with the minimum square footage requirements of this chapter.
- (2) *Dimensions and codes.* Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of 20 feet and shall comply in all respects with the state construction code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the state construction code, then and in that event such federal or state standard or regulation shall apply.
- (3) *Foundation.* Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the state

construction code. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.

- (4) *Undercarriage.* Prefabricated dwelling units shipped to the site shall not be installed with attached wheels or axles. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- (5) *Sewage disposal or water supply.* Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- (6) *Storage area.* Each such dwelling unit shall contain a storage area either in a basement located under the dwelling, in an interior closet or utility room, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet whichever shall be less.
- (7) *Architecture.* All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. All homes shall have a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two exterior doors with the second one being in either the rear or side of the dwelling. Steps shall be required for exterior door areas or to porches connected to said door areas where required by the state construction code.
- (8) *Compatibility determination.* The compatibility of design and appearance shall be determined by the township. Determination of compatibility shall be based upon the character design, and appearance of residential dwellings, located outside of mobile home parks, within 2,000 feet of the subject dwelling. This subsection shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, and unique land contour.
- (9) *Additions.* Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship, materials, and construction standards as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- (10) *Building permit.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the state construction code provisions and requirements.
- (11) *Exceptions.* The standards in this section shall not apply to a mobile home 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. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the township unless located within a mobile home park or mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this chapter.

(Ord. No. 26, § 16.16, 9-13-1990; Ord. No. 2018(1), § 1, 1-11-2018)

State law reference(s)—Mobile home exclusionary ordinances prohibited, MCL 125.2307(3).

Sec. 40-639. Lots abutting water bodies.

- (a) In any district where lots abut a lake, stream, pond, river, or any other body of standing water, whether permanent or intermittent, with an ordinary high-water mark (including, without limitation, a wetland with intermittent ponding), the minimum setback of any principal or attached accessory structure from the ordinary high-water mark shall be 50 feet. Docks and boat houses shall be exempt from these provisions.
- (b) [Reserved.]

(Ord. No. 26, § 16.17, 9-13-1990; Ord. No. 2020(8) , § 2, 12-10-2020; Ord. No. 2021(1) , 1-14-2021)

Sec. 40-640. Lot depth to width ratios.

The depth of a lot shall not exceed the width of a lot by a ratio of more than 4:1.

(Ord. No. 26, § 16.18, 9-13-1990)

Sec. 40-641. Minimum house size.

The following minimum house sizes shall apply in all residential zoning districts:

- (1) One story: 1,000 square feet.
- (2) 1½ story: 1,250 square feet.
- (3) Two story: 1,500 square feet.

(Ord. No. 26, § 16.19, 9-13-1990)

Sec. 40-642. Minimum frontage on a public road.

- (a) All lots or parcels shall meet minimum lot width requirements at the minimum required front setback from the street or road, and shall front on a public road which has been accepted for maintenance by the county road commission, or a road which is part of a condominium development where design, construction, and perpetual maintenance of the road have been approved by the township.
- (b) Notwithstanding subsection (a) of this section, the creation of a lot or parcel which does not meet minimum lot width requirements shall be allowed under the following conditions and procedures:
 - (1) Application shall be made to the zoning board of appeals. The zoning board of appeals shall review the request as a variance in accordance with section 40-63(d).
 - (2) The application shall consist of the regular zoning board of appeals application and a scale drawing showing:
 - a. The current lot lines and dimensions;
 - b. The proposed lot lines and dimensions;
 - c. The proposed means of access for the lot or parcel;
 - d. The location of all proposed buildings or structures, and any other information deemed necessary by the board in its discretion, to consider the application.
 - (3) The board may refer the application for review and recommendations from the township fire chief, township engineer, township planning consultant, and any other individual or public body as they deem necessary.
 - (4) The board shall not grant the variance unless, in addition to finding that all of the conditions enumerated in section 40-63(d)(1) have been met, the board also finds that all of the following exist:
 - a. The minimum lot or parcel size shall be five acres.
 - b. One of the following conditions is found to exist:

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1. Where the amount and location of wetlands or topography of the parcel is such that a normal parcel division meeting minimum lot width requirements and accommodating a building site could not be reasonably achieved; or
 2. Where existing land use patterns and land division patterns within 2,000 feet of the proposed lot or parcel, measured along the public road providing access, contain lots, parcels, or uses consistent with the proposal. Consistency may be shown by demonstrating the existence of more than two land divisions similar in configuration to the proposal within 2,000 feet, however, such a showing shall not be the exclusive means of demonstrating such consistency.
- c. Access to the lot or parcel shall be provided by an access strip at least 20 feet wide with frontage on a public road which has been accepted for maintenance by the county road commission. Notwithstanding its 20-foot width, said access strip shall contain suitable characteristics so that a driveway shall be constructed of sufficient size, width, grade and materials to allow emergency vehicles access to any building or structure proposed to be located on the lot or parcel.
 - d. No portion of the access strip shall be used for building purposes.
 - e. No other lots or parcels shall be allowed use of the access strip for ingress or egress purposes.
 - f. For purposes of section 40-640, measurement of the width to depth ratio shall exclude the access strip. The front lot line for the lot or parcel shall be deemed to be the line closest and parallel to the public road that possesses the minimum width required by section 40-572.
 - g. The access strip shall not exceed 660 feet in length.
- (5) The zoning board of appeals may require the construction of a driveway within the access strip before the land division is processed.

(Ord. No. 26, § 16.20, 9-13-1990)

Sec. 40-643. Temporary dwellings and buildings.

- (a) *Temporary dwellings.* Temporary dwellings may be permitted upon a finding by the township that:
- (1) The principal dwelling has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is unsuitable for use; or
 - (2) The principal dwelling is under construction by the occupant of the temporary dwelling.
- (b) *Temporary buildings.* Temporary buildings used in connection with the construction of public utilities or public works, construction of a private development project, or the sales and marketing of a private development project shall be permitted as of right if the temporary building was approved as part of the site plan or subdivision plat and all other chapter requirements have been met. In all other cases, a permit shall be required under subsection (c)(2) of this section.
- (c) *Permit application and review standards.*
- (1) An application for a permit for a temporary dwelling unit or building shall be made to the township clerk. The application shall be accompanied by a plot plan showing the location of each proposed structure and water supply and sewage treatment facilities.
 - (2) The application shall be reviewed by a committee composed of the township supervisor and two township board members. Approval of the application may be granted by a majority vote of the committee upon a finding that all of the following conditions are met:

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- a. The temporary dwelling shall be served by and properly connected to approved water supply and sewage treatment facilities.
 - b. The temporary dwelling or building shall comply with all applicable zoning district requirements including setback, area, bulk and other requirements, except minimum size requirements.
 - c. The granting of a permit for a temporary dwelling or building shall be for a period of one year from the date of approval by the committee, or as otherwise specified by the committee. Any conditions of approval shall be specified in writing on the permit. The temporary dwelling or building shall be placed in accordance with the state construction code and applicable standards.
 - d. No permit shall be issued until a cash bond has been posted in an amount to be determined by the committee to guarantee compliance with the provisions of this chapter and removal of the temporary building or temporary dwelling upon expiration of the permit.

(Ord. No. 26, § 16.21, 9-13-1990; Ord. of 12-11-2008(2), § 1(5))

Sec. 40-644. Maintenance of animals.

- (a) The following regulations shall apply to the maintenance of animals in all zoning districts. Such regulations shall not apply to commercial kennels and intensive livestock operations.
- (b) Type I animals may be maintained in all zoning districts.
- (c) Type II animals may be maintained in the RC, PR, R-1, R-2, R-3, and R-1-A districts, subject to the following conditions:
 - (1) A minimum lot area of four acres.
 - (2) One type II animal shall be permitted for the first four acres and one additional animal for each one acre in excess of four acres.
- (d) Type III animals may be maintained in the RC, PR, R-1, R-2, R-3 and R-1-A districts, subject to the following conditions:
 - (1) A minimum lot area of 1.5 acres.
 - (2) One type III animal shall be permitted for the first 1½ acres and one additional animal for each one-quarter acre in excess of 1.5 acres.
- (e) In addition to, and notwithstanding subsections (a) through (d) of this section, the following regulations shall be applicable to the maintenance of animals:
 - (1) There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within a restricted area.
 - (2) The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 - (3) All feed and other materials used for the maintenance of animals shall be appropriately stored so as to not attract rats, mice or other vermin.
 - (4) Structures housing type II animals shall be located no nearer than 200 feet to any dwelling which exists on an adjacent lot at the time of construction of a structure housing type II animal, and no nearer than 100 feet to any adjacent lot line.

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- (5) Structures housing type III animals shall be located no nearer than 100 feet to any dwelling which exists on an adjacent lot at the time of construction of a structure housing type III animals, and no nearer than 50 feet to any adjacent lot line.
- (f) Wild animals shall not be permitted to be maintained in the township, either temporarily or permanently, except as authorized in a wildlife preserve, subject to the following conditions:
- (1) The minimum site area shall be ten acres.
 - (2) At a minimum, all wild animals shall be confined in accordance with the rules and regulations established by the state. Where fencing is used, it shall be of sufficient height and durability to ensure confinement of the animals.
 - (3) All provisions of subsection (e) of this section shall be met.
 - (4) Township approval shall be subject to the applicant receiving the appropriate permits from the state.
- (g) Intensive livestock operations. It is the intent of this section to allow for intensive livestock operations while providing additional protection to the township and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination. Intensive livestock operations, where permitted as a special land use, shall be subject to the following conditions:
- (1) Minimum site area shall be 20 acres for type II animals and ten acres for type III animals.
 - (2) There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within a restricted area.
 - (3) The refuse and wastes resulting from the feeding and maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses and prevent the contamination of groundwater and surface waters. At the time of application for the special land use permit, the applicant shall provide a specific plan for the management of refuse and wastes.
 - (4) All feed and other materials used for the maintenance of animals shall be appropriately stored so as to not attract rats, mice, or other vermin.
 - (5) Feedlots and structures housing animals shall be located at a minimum of 500 feet from any dwelling which exists on an adjacent lot at the time of special land use approval, 300 feet from any adjacent lot line, and 300 feet from any public road right-of-way.
- (h) Equestrian facilities, where permitted, shall be subject to the following conditions:
- (1) The minimum site area shall be ten acres.
 - (2) Outdoor pens, corrals, riding rings and/or arenas shall be located no nearer than 50 feet from any property line, or at least 100 feet from existing schools, churches, or residentially zoned or used property.
 - (3) Permanent lighting and use of outdoor sound-producing equipment shall meet the provisions of section 40-883 and 40-888. The use of additional event lighting shall be temporary. The use of temporary event lighting shall only be allowed between the hours of 8:00 a.m. and 11:00 p.m. In addition to the provisions herein, sound-producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments and recording devices, shall not be operated outdoors on the premises so as to be unreasonably loud or raucous, or so to be a nuisance or disturbance to the peace and tranquility of the citizens of the township. The use of sound-producing equipment shall only be allowed between the hours of 8:00 a.m. and 11:00 p.m.
 - (4) Events held outdoors, in whole or in part, at such a facility and that is open to participants beyond those who board or train at the facility are only allowed if specifically permitted by the township.

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- (5) Where trail riding is provided on the premises, or off the premises on land also owned by the same party, the conditions enumerated in section 40-215(c) and 40-145 shall govern. Where riding is intended on property other than the applicant's, the applicant shall submit proof of permission to use property other than the applicant's. Where riding is intended within or across a public road right-of-way, the township shall review the location and approve same to maximize safety to both riders, motorists, and others using the public road right-of-way.
 - (6) Off-street parking, loading and unloading shall be provided in accordance with the standards set forth in section 40-681, except that the requirements for hard surfacing may be waived by the township.
 - (7) All storage, service and maintenance areas when visible from adjoining residentially zoned or used land shall be screened in accordance with the requirements set forth in section 40-721.
 - (8) One single-family dwelling, occupied by the owner or manager of the equestrian facility, will be considered customary and incidental as part of this use.

(Ord. No. 26, § 16.22, 9-13-1990)

Sec. 40-645. Temporary sales and special events.

- (a) *Purpose and intent.* It is the general purpose and intent to allow temporary and seasonal sales and community and civic events under the circumstances found within these ordinance provisions.
- (b) *Location.* The location of temporary and seasonal sales and community and civic events as defined may be permitted in all zoning districts either on vacant land or in association with an approved land use. All provisions of this section must be met.
- (c) *Permit requirements.* Temporary and seasonal sales and community and civic events as defined shall require a permit from the township, unless such activities have previously received site plan approval. All applications shall include a scaled drawing depicting the location of all proposed uses, buildings, parking, drives, and locations of all temporary on-site signs. All activities shall be confined to the area designated on the approved scaled drawing.
- (d) *Types of permits.* The township provides for the following separate and distinct permits.
 - (1) *Temporary and seasonal sales permit.* This type of temporary land use is intended for the short-term sale or promotion of goods and services including temporary signage, outside merchandise displays, tents, balloons and other temporary items used in conjunction with outdoor sales and promotions.
 - a. All applicants for temporary and seasonal sales shall designate if the proposed use is a seasonal sale (for up to six months of activity) or a temporary sale (for up to 30 days of activity). Such designation shall be indicated on the official permit.
 - b. Temporary tents and other temporary items, if included on application and permit, may be placed up to three days prior to the start of the sale and must be removed within three days of the end of the permit period.
 - c. Signage for temporary and seasonal sales shall meet the standards found in Code chapter 12, article V.—Temporary and nonconforming signs.
 - d. Temporary sales permitted in all districts without permit.
 1. Retail sale of products grown on the premises, provided that such retail sales are operated by the occupants of the premises.
 2. Garage sales, estate sales, and similar activities subject to section 40-751(b)(5).

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- (2) *Community and civic events permit.* This type of temporary event is intended for community-wide service, education, civic and entertainment uses open to the general public and includes temporary signage and outdoor displays, tents, lighting, stages and other items used in conjunction with special events.
- a. All applicants for community and civic events shall designate if the proposed use is for a single event (for up to one week of activities) or an annual event (covering up to six separate events).
 - b. Temporary tents and other items may be placed up to three days prior to an event and must be removed within three days of conclusion of each scheduled event.
 - c. Signage for community and civic events shall meet the standards found in Code chapter 12, article V.—Temporary and nonconforming signs.
- (e) *Standards and conditions.*
- (1) Temporary sales and special events shall be located no closer to a public road right-of-way than the required front setback or existing front building line, whichever is less, unless located within an existing parking area.
 - (2) Temporary sales and special events shall not occupy or obstruct the use of any fire lane or more than ten percent of the required off-street parking, provided use of such area does not materially affect the functioning of the site.
 - (3) Ingress and egress shall be provided in a manner so as not to create a traffic hazard or a nuisance.
 - (4) The township will determine whether adequate access, circulation and off-street parking is available on the site to accommodate both the principal use and the temporary sales and/or special event.
- (f) *Review and action.* All applications for temporary and seasonal sales and community and civic events shall be reviewed by the office of the township supervisor or designee on forms provided by the township. The office of the township supervisor or designee may deny any request for temporary and seasonal sales and community and civic events if it is determined that approval would create a public nuisance pursuant to section 40-126 of this chapter.
- (g) *Violations.* Any violation of these provisions including the operation of a temporary and seasonal sale or community and civic event without a valid permit shall be considered a violation of this chapter and considered a civil infraction pursuant to section 40-127 of these provisions.
- (h) *Fees.* Fees for temporary and seasonal sales and community and civic events shall be established by the township board and shall be paid prior to issuance of any permits.

(Ord. No. 26, § 16.24, 9-13-1990; Ord. of 12-11-2008(2), § 1(6); Ord. of 4-14-2011(2), § 1; Ord. of 1-12-2012, § 1; Ord. No. 2015(1), § 1, 3-12-2015; Ord. No. 2019(10), §§ 4.a, 4.b., 10-10-2019)

State law reference(s)—Transient merchants, MCL 445.371 et seq.

Sec. 40-646. Outdoor cafe service.

An outdoor cafe service operated by a bar/lounge and/or sit-down restaurant may be permitted in the C-1 and C-2 districts, subject to the following conditions:

- (1) An application depicting the location and layout of the outdoor cafe including interior and exterior seating shall be submitted to the township. Site plan approval shall be required.
- (2) An outdoor cafe shall be allowed only during normal operating hours of the establishment.

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- (3) An outdoor cafe shall be located on the same property and in close proximity to the principal establishment.
 - (4) The planning commission shall review pedestrian access. If an outdoor cafe is located on a sidewalk, not less than five feet of unobstructed pedestrian access along the sidewalk shall be maintained.
 - (5) All chapter requirements including setbacks, landscaping, parking and other standards must be met.
 - (6) The exterior of the premises shall be kept clean, orderly and maintained, or the permit may be revoked.
 - (7) Seating and service areas shall be enclosed with decorative fencing and/or landscaping.
 - (8) Township standards set forth in article VI regarding noise, lighting and odor shall be met. Noise, lighting and odor shall be controlled so as to avoid a nuisance or disturbance to neighboring properties.
 - (9) All outdoor cafes shall comply with applicable regulations of the county health department and the state.

(Ord. of 12-11-2008(2), § 1(7))

Sec. 40-647. Wind energy conversion systems.

- (a) *Intent.* It is the intent of the township to permit the effective and efficient use of wind energy conversion systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this section guarantee the wind rights or establish access to the wind.
- (b) *Approval required.* Except where noted in this section, it shall be unlawful to construct, erect, install, alter, or locate any wind energy conversion systems project within the township unless:
 - (1) For a private wind energy conversion systems, a permit is obtained from the township.
 - (2) For a commercial wind energy conversion systems, a special land use has been obtained pursuant to section 40-145 and this section.
- (c) *General standards.* The following standards shall apply to all private and commercial wind energy conversion systems in the township:
 - (1) *Design safety certification.* The safety of the design of all private and commercial wind energy conversion systems structures shall be certified by a professional engineer registered in the state and reviewed by the township. The standard for certification shall be included with the permit application. If approved, the professional engineer shall certify that the construction and installation of the private or commercial wind energy conversion systems project meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal regulations.
 - (2) *Controls and brakes.* All commercial wind energy conversion systems structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the designed limits of the wind energy conversion systems. The professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification. Brakes are not required for a private wind energy conversion systems.
 - (3) *Setbacks.* All private and commercial wind energy conversion systems structures must be setback from property lines at a distance equal to or greater than 1.5 times the height of the structure, measured from the base of the structure to its highest point, including any blades.
 - (4) *Climb prevention.* All private and commercial wind energy conversion systems structures must be protected by one or more of the following anti-climbing devices as determined by the township:

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- a. Fences with locking portals at least six feet high;
 - b. Anti-climbing devices 12 feet from base of pole; or
 - c. Anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
- (5) *Interference.* All private or commercial wind energy conversion systems structures shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
- (6) *Noise levels.* The noise level for either a private or commercial wind energy conversion systems structure shall comply with the standards set forth in section 40-883, noise.
- (7) *Signs.* Use of the wind energy conversion systems shall be limited to conversion of wind energy to a form of usable energy and shall not provide any other function, including signage for purposes other than safety.
- (d) *Additional standards for commercial wind energy conversion systems structures.* The following additional standards shall apply to all commercial wind energy conversion systems in the township:
- (1) *Color.* Towers and blades shall be finished in a permanent nonreflective neutral color that is approved by the township or otherwise required by law.
 - (2) *Compliance with FAA.* It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the wind energy conversion systems structure, or to obtain a determination of no significant impact to air navigation from the FAA.
 - (3) *Warnings.* A visible warning sign of high voltage shall be required to be placed at the base of all commercial wind energy conversion systems structures. The sign must have at a minimum six-inch letters with three-fourth-inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.
 - (4) *Annual inspection.* Every commercial wind energy conversion systems structure must be inspected annually by a professional engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to the township and considered a part of the continuing special use permit.
 - (5) *Liability insurance.* The owner or operator of a commercial wind energy conversion systems structure shall maintain a current insurance policy with coverage limits acceptable to the township to cover installation and operation of the wind energy conversion systems project. The amount of the policy shall be established as a condition of special use permit approval.
 - (6) *Security.* The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the wind energy conversion systems when it has been abandoned or is no longer needed, as provided in this subsection (d). In this regard, the security shall be in the form of cash or irrevocable letter of credit.
 - (7) *Removal.* A condition of every approval of a commercial wind energy conversion systems structure shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the wind energy conversion systems structure or portion of a structure has not been used for 180 days or more. For purposes of this section, the removal of equipment, or the cessation of operations shall be considered as the beginning of a period of nonuse. The applicant shall notify the township upon cessation of operations or removal of equipment.

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- b. Upon the occurrence of one or more of the events requiring removal, specified in subsection (d)(7)a of this section, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the township.
 - c. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after written notice, the township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.
- (e) *Ecological impact.* The township may require a study to be conducted by a qualified professional, such as an ornithologist or wildlife biologist, to determine any potential impacts the commercial wind energy conversion systems structure may present to migratory birds, bats or any other species.
- (f) *Ancillary structures and uses.* Approval of a special land use under this provision does not extend to any accessory structures or uses to the wind energy conversion systems. All other such accessory structures or uses must be a lawful land use and meet all applicable requirements of this section.

(Ord. of 7-9-2009, § 1(2(16.27))); Ord. of 5-13-2010, § 1)

State law reference(s)—Wind energy resource zone, MCL 460.1141 et seq.

Sec. 40-648. Wireless communication facilities.

- (a) *Purpose and intent.* It is the general purpose and intent of the township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, an attempt has been made to balance these potentially competing interests as follows:
- (1) Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:
 - a. Facilitate adequate and efficient provision of sites for wireless communication facilities.
 - b. Establish predetermined districts or zones of the number, shape and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
 - c. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
 - d. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - e. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 - f. Promote the public health, safety and welfare.

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- g. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
 - h. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
 - i. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- (2) The township board finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.
- (3) To minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with this section. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the township that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as state in this subsection. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the township.
- (b) *Authorization.* Subject to the standards and conditions set forth in subsection (c)(1) of this section, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts:
- (1) *Permitted use.* In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use:
- a. An existing structure which will serve as an attached wireless communications facility where the existing structure is not, in the discretion of the township, proposed to be either materially altered or materially changed in appearance.
 - b. A proposed collocation upon an attached wireless communication facility which has been approved earlier by the township.
 - c. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the township, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

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- d. An existing wireless communication support structure established within a right-of-way having an existing width of more than 204 feet.

(2) *Districts.*

- a. Wireless communication facilities shall be permitted principal uses in the following districts: C-2 General Business and M-1 Light Industrial.
- b. Subject to the standards and conditions set forth in subsection (c) of this section, wireless communication facilities shall be authorized as special land uses within the following districts: C-1 local business.
- c. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside of a district as identified in subsections (b)(2)a and (b)(2)b of this section, in order to operate a wireless communication service, then, wireless communication facilities may be permitted elsewhere in the community as a special land use, subject to the criteria and standards of subsections (c) and (e) of this section.

(c) *General regulations.*

- (1) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the standards and conditions of this section, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the township board, in its discretion as follows:

- a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- b. Facilities shall be located and designed to be harmonious with the surrounding areas.
- c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- d. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- e. The following additional standards shall be met:
 - 1. The maximum height of the new or modified support structures and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structures). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - 2. The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure. The planning commission may permit a lesser setback provided the applicant provides a signed certification by a licensed engineer that the proposed structure and all attachments will not impact the area beyond such lesser setback. The setback shall be determined by the distance from the ground to the failure point of the structure. However, the minimum setback shall be no less than half of the height of the tower.
 - 3. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures,

shall be half of the distance of the highest point of any structure on the premises. (See subsection (d)(3) of this section.)

4. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as:
 - (i) The location of adjacent thoroughfares and traffic and circulation within the site;
 - (ii) Utilities needed to service the tower and any attendant facilities;
 - (iii) The location of buildings and parking facilities;
 - (iv) Proximity to residential districts and minimizing disturbance to the natural landscape; and
 - (v) The type of equipment which will need to access the site.
 5. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirement and conditions are met.
 6. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
 7. The township board upon recommendation of the planning commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 8. The support system shall be constructed in accordance with the state construction code and shall include the submission of a soils report from a geotechnical engineer, licensed in the state. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
 9. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long-term continuous maintenance to a reasonably prudent standard.
- (2) *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities, which may be approved as special land uses under subsection (b)(2) of this section, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in subsection (c)(1) of this section, and in accordance with the following standards (also see subsection (e) of this section for special land uses):
- a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.

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3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. Other specifically identified reasons creating facility need.
- b. The proposal shall be reviewed in conformity with the collocation requirements of this section.
- (3) *Procedure for approval of special land use facilities.* Applications for wireless communication facilities which require special use approval shall be reviewed in accordance with the procedures set forth in section 40-145, except that the requirement for concept plan review and approval set forth in section 40-145(c)(1) shall not be required and the applicant shall only be required to follow the procedures set forth in section 40-145(c)(2).
- (d) *Application requirements.*
- (1) A site plan prepared in accordance with section 40-136 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - (2) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access the facilities.
 - (3) The application shall include a signed certification by a state licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 - (4) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection (g) of this section. In this regard, the security shall, at the election of the applicant, be in the form of: cash, letter of credit, or, an agreement in a form approved by the township attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal.
 - (5) The application shall include a map showing existing and known proposed wireless communication facilities within the township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If, and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development pursuant to MCL 15.243(1)(g). This shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

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- (6) The applicant should include the name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
 - (7) The application shall include a copy of the lease agreement between the applicant and the property owner to verify terms of the agreement.
- (e) *Special requirements for facilities proposed to be situated outside permitted districts.* For facilities proposed to be located outside of a district identified in subsection (b)(1) and (2) of this section, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in subsection (c) of this section:
- (1) At the time of submittal, the applicant shall demonstrate that a location within the permitted districts cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - (2) Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or the form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the township.
 - (3) In single-family residential neighborhoods, site locations outside of a district identified in subsections (b)(1) and (2) of this section may be permitted on the following sites, subject to application of all other standards contained in this section:
 - a. Municipally owned sites.
 - b. Other governmentally owned sites.
 - c. Religious or other institutional sites.
 - d. Public parks and other large permanent open space areas when compatible.
 - e. Public or private school sites.
 - f. Other locations if none of the sites stated in this subsection is available.
- (f) *Collocation.*
- (1) *Feasibility of collocation.* Collocation shall be deemed to be feasible for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c. The collocation being considered is technologically reasonable, i.e., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the township, taking into consideration the several standards contained in subsections (c) and (e) of this section.
 - (2) *Requirements for collocation.*
 - a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

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- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
 - c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
 - d. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the zoning board of appeals, if, and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communications services.
- (3) Incentive review of an application for collocation, and review of an application for a permit for use of a facility permitted under subsection (b)(1) of this section, shall be expedited by the township in the following manner: Wireless communication facilities permitted under subsection (b)(1) of this section may be reviewed administratively to expedite the review process. Those plans accepted by the township for administrative review shall be submitted in accordance with subsections (c) and (d) of this section. Administrative review may be completed by the township supervisor, or other township staff as designated by the supervisor. The township planner and/or township engineer may be enlisted to assist in said administrative review.
- (g) *Removal.*
- (1) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse. The applicant shall notify the township upon cessation of operations or removal of antenna.
 - b. Six months after new technology is available at a reasonable cost, as determined by the township board, which permits the operation of the communication system without the requirement of the support structure.
 - (2) The situations in which removal of a facility is required, as set forth in subsection (g)(1) of this section, may be applied and limited to portions of a facility.
 - (3) Upon the occurrence of one or more of the events requiring removal, specified in subsection (g)(1) of this section, the property owner or persons who had used the facility shall immediately apply or secure the applications for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the township.

- (4) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after written notice, the township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

(Ord. No. 26, § 16.09, 9-13-1990; Ord. of 11-12-2009, § 1; Ord. No. 2013(1), § 2, 1-10-2013)

State law reference(s)—Michigan telecommunications act, MCL 484.2101 et seq.; Michigan broadband development authority act, MCL 484.3201 et seq.

Sec. 40-649. Accessory buildings and structures and uses.

Accessory buildings and structures and uses, except as otherwise provided for in this chapter, shall be subject to the following regulations:

- (1) *Single-family residential accessory buildings and structures.*
- a. Attached and detached accessory buildings shall be subject to all the setback and height restrictions applicable to principal buildings and structures.
 - b. The total of all attached and detached accessory buildings located on a parcel shall be subject to maximum lot coverage requirements and shall be subject to the following restrictions in floor area based upon parcel size:

Parcel Size (acres)	Total Accessory Floor Area
1 or less	800 square foot, plus 1 square foot for each 100 square feet of lot area. Maximum 1,200 square feet.
More than 1 to 2.5	1,000 square feet plus 1 square feet for each 100 square feet of lot area. Maximum 2,100 square feet.
More than 2.5 to 5	1,000 square feet plus one square feet for each 100 square feet of lot area. Maximum 3,200 square feet.
More than 5	1,000 square feet plus 1 square feet for each 100 square feet of lot area. Maximum 5,400 square feet.

- c. Any accessory building, where a side entrance is proposed, shall have a minimum side yard setback of 30 feet as measured from the entrance of said accessory building to the side yard property line.
- d. Any accessory building shall meet the standards for compatibility as set forth in section 40-638(8).
- e. Outbuildings used in conjunction with a farm as defined in this chapter shall not be considered accessory subject to the requirements as set forth in this section, but shall be subject to all setback and height restrictions applicable to principal buildings and structures.
- f. Where there is an historically significant accessory structure and the owner intends to construct additional accessory buildings and structures on the property, the owner may apply to the zoning board of appeals for an exemption of the historically significant accessory structure from the allowable accessory floor area requirements. The zoning board of appeals may require evidence of the historical significance of the accessory structures. The zoning board of appeals shall grant an exemption if it determines that the structure possesses significant historical value.

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- (2) *All other accessory buildings and structures.* Accessory buildings and uses for all uses shall comply with applicable setback and height restrictions specified for the zoning district wherein the accessory use or structure is located.
- (3) *Private swimming pools.* Private swimming pools shall be permitted within all residential zoning districts subject to the following:
- a. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
 - b. All swimming pools and associated structures, shall comply with required setbacks specified for the zoning district wherein the pool is located.
 - c. All swimming pools shall be enclosed as required by the state construction code.
- (4) *Home occupations.* Home occupations within all residential zoning districts shall be permitted subject to the following conditions:
- a. A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes.
 - b. A home occupation use shall not change the character of the residential nature of the premises, both in terms of use and appearance.
 - c. A home occupation use shall not be a nuisance and shall not endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation.
 - d. A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-dwelling unit in a residential area.
 - e. One employee who is not a family member shall be permitted. No other employees shall be permitted, other than members of the immediate family residing in the dwelling unit.
 - f. All activities shall be carried on inside the dwelling unit.
 - g. There shall be no external alterations, additions, or changes made to the dwelling unit to accommodate or facilitate the home occupation.
 - h. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a home occupation.
 - i. The home occupation shall not generate vehicular traffic in excess of that normally generated for a single dwelling unit in a residential area, both as to volume and types of vehicles.
 - j. All other applicable township, county and state laws shall be met.
- (5) *Outdoor storage of recreational vehicles.* In all residential zoning districts, a recreational vehicle may be parked or stored outside subject to the following conditions:
- a. Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the building official during construction of a single-family dwelling.
 - b. Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners:
 - 1. Within the side or rear yard, but no closer than five feet from any side or rear lot line; or
 - 2. In those instances where the side or rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the building official may allow the parking or

storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner which obstructs pedestrian or vehicular visibility.

- c. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a continuous period of two weeks. No connection shall be made to water or sewage disposal facilities.
- d. No recreational vehicle shall be stored on a public street or right-of-way or private road easement.
- e. A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function or it shall be repaired to put such equipment in such condition. Equipment being repaired shall not be stored longer than 60 days.

(Ord. No. 26, § 16.14, 9-13-1990)

Sec. 40-650. Recycling facility.

- (a) All recyclable materials shall at all times be stored within a completely enclosed building.
- (b) The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- (c) The location, size, intensity, site layout of the proposed use will not be hazardous or inconvenient to the area nor conflict with the normal traffic of the area.
- (d) Vehicles loading or unloading shall be contained within the property.
- (e) All driveways and parking areas on the site shall be hard-surfaced to township specifications.
- (f) The proposed use shall be screened meeting the most stringent buffer standards of section 40-721(b)(3).
- (g) The location, size, intensity, site layout, and periods of operation of any proposed use must be designed to eliminate any possible nuisance likely to be created which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights, or the presence of toxic materials.
- (h) All recyclable materials temporarily stored outside the buildings must be in transport vehicles or transportable containers.
- (i) The following activities shall be prohibited, except as noted:
 - a. Incineration or open burning in any building or on the site.
 - b. Overnight storage of any refuse material, other than recyclable materials, in any building.
 - c. Dumping or storage of material on the site outside the buildings at any time.

(Ord. No. 2013(4), § 1, 3-14-2013)

Sec. 40-651. Food truck regulations.

- (a) *Purpose.* The purpose and intent of this section pertaining to the regulation of food trucks is to ensure the safe and orderly performance of temporary food sales on public and private property within the Township.

(b) *Permit requirements.*

- (1) All food trucks shall be required to obtain a temporary sales and special events permit pursuant to section 40-645. The application for a temporary sales and special events permit shall contain any and all information pursuant to section 40-645(c). It shall be unlawful for any person to operate a food truck without having first obtained a temporary sales and special events permit.
- (2) Food trucks shall be required to obtain appropriate permits and/or approval from the county health department. The county permit must be presented prior to obtaining a temporary sales and special events permit.

(c) *Standards.*

- (1) Owner consent and zoning district.
 - a. Food trucks must provide written consent of the property owner.
 - b. Food trucks may be permitted in all nonresidential zoning districts, subject to the provisions of this section.
- (2) Hours of operation. No person shall engage in vending after 11:00 p.m. or before 6:00 a.m.
- (3) All food trucks must be equipped with garbage or refuse container; such containers must conform to the location standards within this chapter.
- (4) Vendors shall not cause undue noise or offensive odors.

(d) *Exemptions.* The following are exempt from having to obtain a temporary sales and special events permit:

- (1) Food trucks that are catering a private event, i.e. graduation/birthday parties or similar private events not open to the public.
- (2) Vendors who sell within a special event location as authorized by the township.
- (3) Food trucks that travel between multiple construction job sites and business sites and are not parked or stationary for longer than one hour at any one location, intended to serve workers and employees of those sites.

(e) *Suspension and penalty.*

- (1) The township may authorize a temporary suspension of any regulation under this article, such suspension to be in effect during a township-approved festival or activity.
- (2) Failure to adhere to the regulations for food trucks listed in this section is cause for revocation or suspension of the temporary sales and special event permit.
- (3) The operation of a food truck without a temporary sales and special event permit shall be considered a violation of the zoning ordinance.

(Ord. No. 2019(8) , § 2, 8-8-2019)

Sec. 40-652. Septic systems for lots abutting water bodies.

- (a) *Intent.* This section requires pretreatment and other alternative septic systems where a 100 foot separation between the system and body of water cannot be met and provides a process to facilitate the review of proposed pretreatment, ensure that pretreatment alternative systems are approved with appropriate conditions to protect the public health, safety and the environment of the community and to ensure that systems once installed are maintained and operated in accordance with the requirements of the Oakland

County Health Division and the township, and any individual system requirements, in such a manner as to maintain its treatment functionality and longevity and protect the waters of the township.

(b) *Definitions.* For purposes of this section, the following terms are defined:

- (1) *Alternative system* shall mean a treatment and soil absorption system that is not a conventional system and provides for an equivalent or better degree of protection for public health and the environment than a conventional system. Alternative systems may utilize pretreatment technology.
- (2) *Body of water* shall mean a lake, stream, pond, river, or any other body of standing water, whether permanent or intermittent, with an ordinary high-water mark (including, without limitation, a wetland with intermittent ponding).
- (3) *Conventional system* shall mean a system which includes a building sewer, one or more septic tanks, a soil absorption system with non-uniform distribution of effluent, and all associated connections, fittings, and appurtenances installed below the original grade of the property in a location meeting the site suitability criteria prescribed in this section.
- (4) *Effluent screen* shall mean a device placed on the outlet pipe of a septic tank to enhance solids removal from the tank effluent preventing excess solids from flowing into the drain field.
- (5) *Engineered alternative system* shall mean an onsite wastewater treatment system designed by a professional engineer, currently licensed under 1980 PA 299, or any amendments to that Act, which may employ pretreatment or other plan features, processes, construction and operational methods as approved by the health official with jurisdiction.
- (6) *Low pressure distribution* shall mean a system using an effluent pump located in a tank/pump chamber which receives effluent from the septic tank where it is held until pumped into the drain field. The pipes within the drainfield are small diameter with evenly spaced small diameter orifices to facilitate even distribution into the soil.
- (7) *Pump and haul* shall mean a septic tank or tanks with no affluent outlet designed to collect and retain sewage prior to removal by a license septage hauler to an approved offsite receiving facility for final disposal. The septic tank(s) shall be provided with both audible and visual alarms set to signal at "time to pump" and "exceeding reserve storage volume".
- (8) *Separation* shall mean the shortest distance between any portion of a single system and a body of water.

(c) *General conditions.* All septic systems with any portion located within 100 feet of a body of water will require (i) Oakland County Health Division (OCHD) approval/permit; (ii) in addition to a septic tank effluent screen some form of alternative system providing a reduction in the contamination loading of the waste stream with verification of the reduction, alarm and monitoring systems; and (iii) township administrative or zoning board of appeals (ZBA) approval. Any Township application review will follow the standards/requirements below:

- (1) No new septic system may be located within 100 feet of a body of water except a system to be used for single-family residential purposes. Any repair or replacement of an existing septic located within 100 feet of a body of water for an existing use that is not single-family residential shall require use of an alternative system and approval of the ZBA.
- (2) No septic for new single-family residential use on an existing vacant parcel shall be allowed within 100 feet of a body of water. The ZBA may grant a variance from this requirement if it determines that there is no other possible location for the septic meeting the 100 foot requirement because of a condition of/on the land and the reason for there being no other possible location was not created by the desired location and/or size of the structure(s).

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- (3) Septic system enlargement or replacement for parcels currently used for single-family residential use may not be approved by the ZBA if the reason for the enlargement or relocation is created by a) the desire to expand the size of the house, b) an addition or conversion resulting in more than three bedrooms, c) addition of a garage or other auxiliary structure, or d) other similar reasons.
- (d) *Review/approval process.* Variance applications plans and supporting information and requirement standards for approval are as follows. Staff administrative review shall be conducted by the planning administrator or, in the administrator's absence, the supervisor for 100 to 76 feet separation. Administrative review for 75 feet to 51 feet separation shall be by the planning administrator, or in the absence of the planning administrator, the supervisor, and the chair of the ZBA, or vice chair, in the absence of the chair. Applications for 50 feet or less separation require ZBA approval. Any such individual or the ZBA may request assistance of the township's attorney, planner, engineer or other staff or consultant, as needed.
- (1) *Separation of 100 feet to 76 feet.* Staff administrative review and approval for a system that has been approved by OCHD may be approved subject to the following conditions. System must contain an alternative system in addition to OCHD required 1,500 gallon two compartment septic tank and effluent screen. An OCHD permit, recordable draft Deed Restrictions containing any OCHD and Springfield Township required maintenance and operation agreement(s) for the system shall be part of the application prior to final approval. The township must approve and record all documents.
 - (2) *Separation of 75 feet to 51 feet.* Same as (1) above with the addition of nitrogen reduction. Maximum of three bedrooms allowed for a residence needing a septic system with this variance.
 - (3) *Separation of 50 feet to 25 feet.* ZBA approval required. The conditions, standards and requirements of ii) above apply with the addition of UV disinfection and low pressure distribution system. The drain field must be a minimum of four feet above water table as verified by soil borings and the design engineer.
 - (4) *Separation of less than 25 feet.* No approval for any type septic system will be granted.

If a pump and haul system is approved by OCHD and/or their board of appeals any approval by the township ZBA must require a water tight holding tank or tanks combined with a pump and haul contractual operation and continuation agreement in recordable form signed by property owner and contractor pumping the system that is approved by the township attorney. The recordable agreements must be acceptable to the township attorney and to the zoning board of appeals. The township will record the documents
- (e) *Application requirements.*
- (1) All application plans and specifications shall 1) be prepared and sealed by a civil engineer experienced in design of alternative technology wastewater systems and 2) meet the minimum requirements of the OCHD and the township.
 - (2) All operation and maintenance, monitoring, testing, sampling, or alarm system plans shall be submitted to the township with the application.
 - (3) Township and its agents shall be given access to the property and the system location for application review, inspection of soil boring locations and relationship of adjacent structures, uses, wells, septic and the water's edge.
 - (4) Draft copies of all O&M manuals, operator agreements, monitoring agreement, system installation agreements, warranty's and manufacturing installation or warranty requirements or conditions shall be submitted with the application
 - (5) Submittal of soil logs from soil borings and/or perc tests and OCHD review or permit shall be submitted with the application.

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- (6) A draft recordable notice of the alternative system including any conditions applicable to the system or its owner shall be submitted for review and approval by the township prior to final approval.
 - (7) Draft agreements between the applicant and monitoring company for monitoring and repair shall be submitted with the application.
- (f) *Additional standards and requirements.*
- (1) Mechanical systems shall include both audible and visual alarms at the site in addition to telemetric alerts to appropriate contractors for alerting of any system malfunctions.
 - (2) Applicant shall escrow the cost of the township attorney time for document review and/or preparation and recording fees, in the amount estimated by the attorney.
 - (3) In addition, the owner shall place funds in escrow sufficient to cover any township cost to operate, maintain or repair system or pay contractors if owner fails to do so. The amount of the escrow shall be determined by the township engineer and be submitted after approval but prior to issuance of a building permit or system construction.
 - (4) The documents listed in subsection (e) including the alternative septic systems and engineered alternative septic system operations and maintenance agreement between operator & owner containing operation and maintenance manual shall be executed and by all owners of the property and recorded (if applicable) by the township prior to issuance of any certificates of occupancy. The contents of the agreements and the qualifications of the contractor shall be approved by the township.
 - (5) The approved notice of the alternative system shall include any conditions or requirements of OCHD in addition to those conditions of the township. The notice shall be recorded by the township at Oakland County Register of Deeds. A copy shall be given to any prospective new owner prior to transfer of ownership.
 - (6) The owner of property with or a user of an alternative system shall maintain operations and maintenance contracts, approved by the township, at all times. The contracts cannot be changed or transferred to a different contractor or property owner without township approval
 - (7) Any system agreements must include installer, operator, maintenance, repair, alarm and other component contracts. One contractor can be responsible for all components, if qualified, in the determination of the township.

(Ord. No. 2020(8) , § 1, 12-10-2020)

Secs. 40-653—40-680. Reserved.

DIVISION 2. PARKING, CIRCULATION

Sec. 40-681. Off-street parking, loading and drive-through facilities.

The purpose of this section is to ensure that the provision of off-street parking, loading and drive-through facilities are sufficient in number, adequately sized, and properly designed to meet the range of needs and demands that are associated with land uses now in place in the township or with land uses allowed by this chapter as follows:

- (1) *Off-street parking.*
 - a. *General requirements.*

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1. Off-street parking shall be provided as herein prescribed for a principal use hereafter erected, altered, or expanded after the effective date of the ordinance from which this chapter is derived. Required off-street parking shall be maintained so long as the principal use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter.
 2. No off-street parking which exists at the time the ordinance from which this chapter is derived becomes effective which is provided for the purpose of complying with provisions of this chapter shall thereafter be reduced below the requirements established by this chapter.
 3. The requirements of this section are not intended to apply to farms and farming operations.
 4. Within nonresidential districts, off-street parking for a continuous period of more than 24 hours shall be prohibited with the following exceptions:
 - (i) Parking in conjunction with an automobile sales and service facility, major and minor automobile repair facility, and automobile towing service, as permitted and regulated by this chapter.
 - (ii) Automobiles and commercial vehicles owned and operated in conjunction with the principal use of the property.
 5. Parking of commercial vehicles with a gross vehicle weight rating (GVWR) of 15,000 pounds or greater within residential districts shall be prohibited.
- b. *Location of parking.*
1. *One-family and two-family dwellings.* Off-street parking required for one-family and two-family dwellings shall be located on the same lot or parcel of the dwelling they are intended to serve.
 2. *All other uses.* Off-street parking required for all uses, other than one and two-family dwellings shall be located on the same lot or parcel as the buildings they are intended to serve, and within 300 feet of the main entrance of the building intended to be served, unless otherwise modified by subsection (1)f of this section.
- c. *Required greenbelt, setbacks, and screening.*
1. Off-street parking lots shall be landscaped in accordance with the standards set forth in section 40-721 to minimize noise, glare, and other nuisance characteristics as well as to improve the environment of the site and surrounding area.
 2. Off-street parking lots, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with section 40-721(b)(5). Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten-foot setback is maintained between off-street parking and the abutting side and rear lot lines.
- d. *Units and methods of measurement.* For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
1. *Floor area.* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the floor area, as defined by this charter.
 2. *Employees.* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

3. *Places of assembly.* In stadiums, sports arenas, churches and other places of assembly, seating capacity shall be based upon the state construction code requirements currently in effect. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- e. *Off-street parking requirements.*
1. Any use which requires a site plan under the provisions of section 40-136 shall comply with the provisions of this section. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the schedule set forth in subsection (1)g of this section. Parking requirements listed in subsection (1)g of this section shall not include off-street stacking spaces for drive-through facilities set forth in this section. Where multiple uses occur, parking shall be calculated on the basis of each use.
 2. Similar uses and requirements. When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.
- f. *Flexibility in application.*
1. The township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.
 2. The township body responsible for site plan approval may permit deviations from off-street parking requirements and shall require more or less parking based upon a finding that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. The township body responsible for site plan approval may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the township body responsible for site plan approval shall further impose conditions which ensure that adequate usable reserve area is set aside for future parking, if needed. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.
- g. *Schedule of off-street parking requirements.*

Uses	Required Number of Parking Spaces Per Each Unit of Measure
Residential uses	
Single- or two-family dwellings	2 per each dwelling unit
Multiple-family dwellings	2 per each dwelling
	Plus 1 per each five dwelling units
Senior citizen housing	1.5 per each dwelling unit
Mobile home park	2 per each mobile home site
	Plus 1 per each five dwelling units
Institutional uses	
Churches	1 per each three seats based on maximum seating capacity in the place of assembly therein

	Plus 2 per each classroom
Private clubs and lodges	1 per each three individual members allowed within maximum occupancy load as established by the fire code and/or the state construction code
Hospitals	1 per each two beds
Convalescent (nursing) homes	1 per each five beds
High school, trade schools colleges and universities	1 per each administrative and staff member Plus 10 per each classroom
Middle schools	1 per each administrative and staff member Plus 5 per each classroom
Elementary schools	1 per each administrative and staff member Plus 5 per each classroom
Child care center and nursery schools	1 per each administrative and staff member Plus 1 per each four students of licensed capacity
Stadiums, sports arenas, auditoriums	1 per each 4 seats, based on maximum seating capacity
Libraries and museums	1 per each 400 sq. ft. of floor area Plus 1 per each employee
Group child care homes	1 per each administrative and staff member
General commercial uses	
Retail stores, except as otherwise specified herein	1 per each 100 sq. ft. of floor area
Supermarkets, drugstores and other self-serve retail establishments	1 per each 150 sq. ft. of floor area
Convenience stores	1 per each 100 sq. ft. of floor area
Planned shopping centers	1 per each 100 sq. ft. of floor area for the first 15,000 sq. ft. 1 per 150 sq. ft. of floor area in excess of 15,000 sq. ft.
Furniture, appliances, hardware and household equipment sales	1 per each 300 sq. ft of floor area
Motels and hotels	1.5 per each guest bedroom Plus amount required for accessory uses, such as a restaurant or cocktail lounge
Restaurants, carry-out, and fast food	1 per 75 sq. ft. of floor area
Restaurants, drive-in	1 per every automobile intended to be served Plus 1 per each two seats, based on maximum seating capacity
Sit-down restaurants	1 per each two seats, based on maximum seating capacity, plus parking calculated for any portion of the establishment devoted to cocktail lounges, additional parking may be required per the provision set forth in subsection (1)f of this section to accommodate area for patrons waiting to be seated
Bar/lounge	1 per each two persons allowed within maximum occupancy load as established by the fire code and/or the state construction code
Garden stores, building material sales, and open air businesses	1 per each 400 sq. ft. of building floor area devoted to sales and display Plus 1 per each 1,500 sq. ft. of warehouse floor area

	Plus 1 per each 1,000 sq. ft. of lot area used for open air display and sales
Movie theaters	1 per each three seats based on the maximum seating capacity
Automotive uses	
Auto/vehicle sales and service facilities	1 per each 250 sq. ft. of showroom floor area Plus 2 per service stall. Areas devoted to customer service and employee parking shall be clearly delineated on the site plan and reserved for that purpose. Required customer and employee parking is exclusive of new vehicle storage or display. Off-street auto/vehicle sales and service facilities, parking, display, storage and screening shall be in accordance with section 40-681(4).
Automobile repair facilities, both minor and major	4 per each service stall Plus 1 per service vehicle
Automobile filling/service stations	1 per fueling position. Each fueling position as designated on the approved site plan may be used to meet overall required parking. Plus 3 per each service stall
Automobile filling/convenience stations	1 per fueling position. Each fueling position as designated on the approved site plan may be used to meet overall required parking. Plus 1 per each 100 sq. ft. of floor area devoted to retail sales and customer service
Automobile filling/mixed use stations	1 per fueling position. Each fueling position as designated on the approved site plan may be used to meet overall required parking. Plus 1 per each 75 sq. ft. of floor area devoted to retail sales, food service and customer service
Automobile washes (automatic)	1 per 200 sq. ft. of floor area of customer waiting and service area Plus 1 per each vacuum station
Truck stops	1 per pump unit Plus 1 per each service stall Plus 1 per each 75 sq. ft. of floor area devoted to retail sales, book service and customer service
Office and service uses	
Medical and dental offices	1 per each 150 sq. ft. of floor area
Business and professional offices	1 per each 200 sq. ft. of floor area
Banks	1 per each 200 sq. ft. of floor area
Barbershops and beauty shops	3 per each chair
Funeral homes	1 per each three persons allowed maximum occupancy load as established by the fire code and/or the state construction code
Recreational uses	
Bowling alleys	4 per bowling lane, plus amount required for accessory uses such as a restaurant or cocktail lounge

Private tennis, swim or golf clubs, or other similar uses	1 per each three persons allowed with maximum occupancy load as established by the fire code and/or the state construction code
Golf courses	5 per each hole, plus amount required for accessory uses such as a restaurant or cocktail lounge
Equestrian training facilities	1 per each 2 stalls Plus 1 per each employee
Fitness facilities	1 per 200 sq. ft. of floor area
Fitness/sports clubs	1 per 200 sq. ft. of floor area
Industrial uses	
Industrial, manufacturing, or research establishments	1 per 200 sq. ft. of office floor area Plus 1 per each 500 sq. ft. of floor area
Warehouses and wholesale establishments	1 per each 200 sq. ft. of office area Plus 1 per each 1,500 sq. ft. of floor area
Contractors' offices	1 per 200 sq. ft. of office floor area Plus 1 per 1,500 sq. ft. of warehouse floor area Plus 1 per each vehicle or item of equipment stored outside of the building

h. *Off-street parking design and construction.*

1. All such parking lots, maneuvering lanes, driveways, or loading areas required for uses other than single-family or two-family residential shall be designed and constructed in accordance with the township design and construction standards. The township body responsible for site plan approval shall have the discretion of waiving certain hard surface paving requirements, provided the following conditions are met:
 - (i) The proposed driveways, loading, turnaround, or storage areas will receive only limited use and are not used for employee parking, customer parking, or primary access.
 - (ii) Gravel surfacing and potential problems arising from dust or scattered gravel shall not impact neighboring properties.
 - (iii) Hard surfacing will significantly increase stormwater runoff and create a potential for flooding and/or soil erosion. The township body responsible for site plan approval may attach conditions to the waiving of hard surface paving requirements that bind such approval to the specific use in question. Changes in the character and/or intensity of the use receiving such a waiver may result in further review by the township and reconsideration of hard surface paving requirements.
2. All illumination for parking lots shall not exceed the standards set forth in section 40-888.
3. Ingress and egress to the parking lot shall be provided by clearly defined drives meeting the standards set forth in section 40-684.
4. Wheel stops or curbing shall be provided to prevent any vehicle from encroaching upon pedestrian walkways or damaging required landscaping. Where vehicles are permitted to encroach upon pedestrian walkways, a minimum walkway width of five feet shall be provided.

5. Access to parking spaces shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
6. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations. Internal drives which are not intended to provide direct access to parking spaces may be a width of 18 feet. The township body responsible for site plan approval may allow up to 20 percent of the total parking be designated for small car parking. Small spaces shall meet the minimum length and width dimensions as specified in the following table.

Parking Pattern (in degrees)	Internal Access Drive/Maneuvering Lane Width (ft.)		Parking Space Dimensions (ft.)			
	One-Way	Two-Way	Regular Space		Small Space	
			Width	Length	Width	Length
0 (Parallel)	12	20	9	24	8	22
30—53	12	20	9	18	8	16
54—74	15	22	9	18	8	16
75—90	20	22	9	18	8	16

7. Truck and recreational vehicle parking. In addition to parking required for passenger vehicles set forth in this section, off-street parking for buses, trucks, and recreational vehicles at restaurants, motels and similar establishments, if appropriate for the business, shall be of sufficient size to adequately serve such vehicles and not interfere with other vehicles that use the same facilities. Upon review of the site plan, the township body responsible for site plan approval shall determine if separate truck and recreational vehicle parking is required for the proposed use.
8. Barrier-free parking. Included within the parking required for passenger vehicles set forth in this section, shall be off-street barrier-free parking facilities provided and designed in accordance with applicable state and/or federal standards.

(2) *Off-street loading requirements.*

- a. On the same premises as any use which involves the receipt or distribution of vehicles, material or merchandise, adequate space shall be provided and maintained for standing, loading and unloading of delivery vehicles in order to avoid interference with or congestion of adjacent streets, neighboring sites, maneuvering lanes, or off-street parking facilities.
- b. Off-street loading and unloading space, unless completely and adequately provided for within a building, shall be of sufficient area and height clearance to accommodate vehicles using the loading space, based upon evidence supplied by the applicant and verified by the township body responsible for the site plan review. Loading and unloading space provided by truck wells located below surface grade shall be protected by iron railings or guard rails. Drainage shall be provided to prevent the collection of stormwater at the bottom of the truck well. The number of spaces provided shall be in accordance with the following schedule:

Gross Floor Area (sq. ft.)	Loading & Unloading Spaces Required in Terms of Square Feet Gross Floor Area
0—1,400	None
1,401—20, 000	1 space
20,001—100,000	1 space plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,001 and over	5 spaces

c. Flexibility in application.

1. The township recognizes that due to the specific requirements of any given development, inflexible application of off-street loading requirements set forth in this section may result in development with inadequate loading space or loading space in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized loading on and/or off site. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.
2. The township body responsible for site plan approval may permit deviations from the requirements of this section based upon a finding that such deviations are more likely to provide a sufficient number of off-site loading spaces and of adequate size to accommodate the specific characteristics of the use in question.
3. The township body responsible for site plan approval may attach conditions to the approval of a deviation from the requirements of this section that bind such approval to the specific use in question. Where a deviation results in a reduction of off-street loading, the township body responsible for site plan approval shall further impose conditions which ensure that adequate usable reserve area is set aside for further off-street loading, if needed. Where area is set aside for reserve off-street loading, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities vehicle such as maneuvering lanes and drainage.

d. Required greenbelt, setbacks, and screening.

1. Off-street loading areas, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with section 40-721(b)(5). Off-street loading shall be permitted within the required side or rear yard setbacks, provided a minimum ten-foot setback is maintained between off-street loading and the abutting side and rear lot lines of property zoned for nonresidential use and a minimum 25-foot setback is maintained between off-street loading and the abutting side and rear lot lines of property zoned or used for residential use.
2. Off-street loading which abuts residentially zoned or used property or located within the front yard shall be screened in accordance with section 40-721(b)(3).

e. Double count. Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

(3) *Off-street drive-through and waiting space.*

- a. *Drive-through facilities.* In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements:

1. Each stacking lane shall be one-way and a minimum of 12 feet in width.
2. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
3. Each drive-through facility shall have an escape lane to allow other vehicles to pass those waiting to be served.
4. The number of stacking spaces per service lane shall be provided for the uses listed below. Each stacking space shall be computed on the basis of 20 feet in length. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

Use	Stacking Spaces per Service Lane
Banks	4
Photo/prescription service	4
Dry cleaning	4
Fast food restaurants	6
Auto washes (self-service)	
Entry	3
Exit	1
Auto washes (automatic)	
Entry	6
Exit	2

- b. *Off-street waiting space.* Uses such as day cares, schools, hospitals, nursing homes, and churches, shall provide a safe and efficient means for passengers to be dropped off and picked up. The adequacy of the number of waiting spaces shall be determined by the township body responsible for the site plan review. Such off-street waiting spaces shall be clearly delineated so as to ensure the safety of pedestrians and motorists.
- (4) *Off-street auto/vehicle sales and service facilities, parking, display, storage, and screening of new and used vehicles.*
- a. *Required parking.* Required parking shall meet the standards set forth in the schedule of off-street parking requirements in section 40-681(1)g., the dimensional standards found in section 40-681(1)h.6. as well as the setback and screening provisions of section 40-681(1)c.
 - b. *Vehicle display parking.* Vehicles being displayed for sale shall meet dimensional standards found in section 40-681(1)h.6. and the setback and screening provisions of section 40-681(1)c.
 - c. *Vehicle inventory storage/vehicle service and repair storage.*
 1. Vehicle storage areas may be designated separate from required parking and display areas during the site plan review process and must be approved by the planning commission. In order to maximize on-site car storage, vehicle storage areas are not subject to the parking space dimensional standards found in section 40-681(1)h.6. While the township's parking dimension standards do not apply to vehicle storage areas these areas must be laid-out in an orderly fashion allowing for adequate access within the storage area and full emergency access as reviewed and approved by the planning commission.
 2. Vehicle storage areas as designated during the site plan review process shall not be allowed in the front yard of an auto/vehicle sales and service facility. Vehicle storage is

allowed separate from a sales and service facility as a permitted use in the M-1 light industrial district.

3. Vehicle storage as designated by the planning commission during the site plan review process shall be screened and buffered in accordance with section 40-721(b)(3).
4. All vehicle storage areas shall be hard surfaced unless waived by the planning commission pursuant to section 40-681(1)h.

(Ord. No. 26, § 16.02, 9-13-1990; Ord. of 10-9-2008, § 1(7); Ord. No. 2016(1), §§ 1.2, 1.3, 1-14-2016; Ord. No. 2019(11), § 2, 10-10-2019)

Sec. 40-682. Traffic impact analysis.

The township body responsible for site plan approval may require a traffic impact analysis in order to analyze the effect of development upon existing street traffic. The traffic impact analysis shall be paid for by the developer and shall examine existing and proposed traffic flows, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress/egress. The traffic impact analysis shall be prepared by a registered professional engineer or transportation planner.

(Ord. No. 26, § 16.03, 9-13-1990)

Sec. 40-683. Access management.

(a) *Automobile access.*

- (1) *Access barrier.* Access to public roads shall be controlled in the interest of public safety. Each building or group of buildings used for nonresidential purposes, and its parking or service area, shall be physically separated from public roads by a greenbelt, curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for access ways authorized herein. In addition to providing the access barrier, greenbelt requirements shall be provided in accordance with section 40-721(b)(5).
- (2) *Driveway performance standards.* Driveways shall conform to section 40-684 and to the following performance standards or to standards adopted by the Road Commission for Oakland County, whichever is more stringent.
 - a. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period.
 - b. There must be sufficient on-site storage to accommodate at least three queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing exiting vehicle sight distance, or otherwise interfering with street traffic.
 - c. Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems and driveways.
 - d. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and/or separation, where appropriate, of entry and exit lanes within driveways.
 - e. Driveway placement must be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

- f. Driveway placement must be such that an exiting vehicle has an unobstructed sight distance according to the minimum adopted by the Road Commission for Oakland County (RCOC) or Michigan Department of Transportation (MDOT), as applicable.
- (3) *Driveway spacing.* Required spacing of driveways, whether within a single lot or on adjacent lots, shall be determined as provided herein. These standards shall not preclude access to a lot or parcel by a single driveway where such driveway would be otherwise not possible.
- a. Driveway spacing will be determined as a function of operating speeds of the adjacent public road. These spaces are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation. Spacing will be measured from the midpoint of each driveway. Spacing will be determined according to the following minimum standards or to standards adopted by the Road Commission for Oakland County or MDOT, as applicable, whichever is more stringent.

Speed Limit (MPH)	Minimum Spacing (Feet)
25	105
30	125
35	150
40	185
45	230
50	275

- b. In the event that a particular parcel or parcels lack sufficient road frontage to maintain adequate spacing, the applicant shall have one of two options:
- i. A waiver can be sought from the planning commission from the minimum spacing requirements provided herein, but in no case can a waiver be greater than the minimum required to provide safe access to a site while still meeting the intent of this section.
 - ii. In determining whether such a waiver is acceptable, the planning commission shall consider the following criteria, in addition to the recommendations of the township engineer and/or township planner:
 1. Traffic volumes on adjacent roadways;
 2. Intensity of use anticipated for proposed drives;
 3. Availability of acceptable sight distances;
 4. Distance from adjacent intersections;
 5. The presence of physical separation or barriers between existing and/or proposed driveways;
 6. Input from the RCOC or MDOT, as applicable; and,
 7. The importance of the additional curb cuts to the function of the site.
 - iii. The adjacent landowners are strongly encouraged to establish a common driveway. Should a common driveway be established, easement and maintenance agreements shall be required.
- c. *Number of driveways per parcel.*
- i. A maximum of one two-way driveway opening or a pair of one-way driveway openings shall be permitted to a particular lot from each adjacent road.

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- ii. Based on the recommendation of the Road Commission for Oakland County, township engineer and/or township planner that an additional driveway is in the interests of safe traffic operation, the planning commission may permit one additional driveway entrance along a continuous site with frontage in excess of 300 feet or two additional driveway entrances along a continuous site with frontage in excess of 600 feet provided they meet section 14-683c.i above.

(b) *Pedestrian access.*

- (1) *General standard.* The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide continuity, street crossings, visual interest and security as defined by the standards in this section.
- (2) *Safety considerations.* To the maximum extent feasible, pedestrians shall be separated from vehicles as follows:
 - a. Where complete separation of pedestrians and vehicles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, pedestrian safety island, landscaping, lighting or other traffic calming measures to clearly delineate pedestrian areas, for both day and night use.
 - b. Where bicycle paths are required or are specifically part of a site plan and pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. A minimum width of eight feet shall be required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines. Additional width of up to four feet may be required to accommodate higher volumes of bicycle and pedestrian traffic.
- (3) *Curb cuts and ramps.* Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers or carts. The location and design of curb cuts and ramps shall meet the requirements of the Michigan Barrier Free Code and the Americans with Disabilities Act and, to the extent possible, shall avoid crossing or funneling pedestrian traffic through loading areas, drive-through lanes and outdoor trash storage/collection areas.
- (4) *Site amenities.* Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies and benches.
- (5) *Walkways.*
 - a. *Directness and continuity.* Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Such connecting walkways shall either be grade separated from the parking lot or clearly delineated as to avoid pedestrian/vehicular conflicts with a paved surface not less than six feet in width. Drive aisles leading to main entrances shall have walkways on at least one side of the drive aisle.
 - b. *Street crossings.* Where it is necessary for the pedestrian access to cross maneuvering aisles or internal roadways, the crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked, using such measures as pavement treatments, signs, striping, signals, lighting, pedestrian safety islands, landscaping and other traffic calming techniques.

(Ord. No. 26, § 16.04, 9-13-1990; Ord. No. 2012(2), § 1, 6-14-2012)

Sec. 40-684. Driveway approaches.

The following shall be the supplemental regulations for driveway approaches:

- (1) Driveway tapers and acceleration, deceleration, and passing lanes are considered necessary to ensure the safe movement of traffic.
- (2) All uses or proposed uses which are subject to site plan review requirements as set forth in section 40-136 shall provide paved driveway tapers to provide access to and from paved or gravel roadways.
- (3) Acceleration, deceleration, and passing lanes for driveway approaches entering on a public roadway may be required during the site plan review process as determined by the township based upon the following considerations:
 - a. Traffic volumes, accident data, horizontal and vertical alignment, and sight distance conditions of the public roadway upon which a driveway is entering.
 - b. Other unique site conditions such as land use, topography, or other natural conditions.
 - c. Traffic generated by the proposed use.
- (4) Driveway tapers and acceleration, deceleration, and passing lanes shall be designed and constructed in accordance with the standards of the county road commission for roadways under their jurisdiction and the state department of transportation for roadways under their jurisdiction.

(Ord. No. 26, § 16.05, 9-13-1990)

Secs. 40-685—40-720. Reserved.

DIVISION 3. LANDSCAPING

Sec. 40-721. Landscaping, greenbelts, and screening.

- (a) The intent of this section is to promote the public's health, safety, and general welfare by:
 - (1) Minimizing noise, air, and visual pollution;
 - (2) Improving the appearance of off-street parking and other vehicular use areas;
 - (3) Requiring buffering between noncompatible land uses to lessen the visual impact and impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use;
 - (4) Regulating the appearance of property abutting public rights-of-way;
 - (5) Protecting and preserving the appearance, character and value of the community and its residential neighborhood areas;
 - (6) Preventing soil erosion and soil depletion; and
 - (7) Promoting soil and water retention.
- (b) It is also the intent of this section to encourage the use of desirable native species of plants for all landscaping and to maximize the use of native plant species in landscaping all areas of a site, including, but

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not limited to, foundation plantings, lawn areas, screening and greenbelt areas, and surface stormwater conveyance features. See subsections (b)(11) and (b)(16) of this section for regulations and guidance in regard to landscape design. Encouraging the use of native plants in this section is based on the following: native plants are a necessary part of the proper functioning of natural ecosystems within township and perform tasks including, but not limited to, stormwater attenuation, uptake and purification, air purification, wildlife food and habitat, and community character and aesthetics; landscaping with native plants encourages environmentally sound maintenance practices by requiring little or no pesticide or fertilizer use, and minimal watering once plants are established, which, in turn, reduces the threat of environmental degradation; and the township has stated in its master plan the goal to preserve the natural features and character of township lands and protect the quality of vital township air, land and water resources; and to encourage the uses of desirable native species of vegetation.

- (1) *Application.* These requirements shall apply to all uses, for which site plan review is required under section 40-136 and subdivision plat review as required under chapter 18, pertaining to land divisions and subdivisions. No site plan or subdivision plat shall be approved unless said site plan or subdivision plat shall show landscaping, greenbelt buffers, and screening consistent with the requirements set forth herein. Existing trees to be saved may be used to satisfy all or part of the requirements contained herein.
- (2) *Landscape plan required.* A separate detailed landscape plan shall be required to be submitted as part of site plan review. The landscape plan shall include, but not necessarily be limited to, the following items:
 - a. Location, spacing, size, and root type (bare root (BR) or balled and burlapped (BB)) and descriptions for each plant type proposed for use within the required landscape area.
 - b. Minimum scale. One inch equals 50 feet for property less than three acres or one inch equals 100 feet for property three acres or more.
 - c. On parcels of more than one acre, existing and proposed contours on site and 50 feet beyond the site at intervals not to exceed two feet.
 - d. Typical straight cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall, including footings.
 - e. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 - f. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 - g. Identification and location on the plans of existing plant communities, types, trees and vegetative covers found on the site. All native plant inventories required for the site must be provided per section 40-892.
 - h. Identification of grass and other ground cover and method of planting. If native seed mixes are to be used, identification of the following: species in mix, site preparation method, seeding method, and weed control method.
 - i. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this chapter.
- (3) *Screening between land uses.* The use of physical barriers or screens is considered a necessary requirement to allow for the transition from one zoning district or land use to another contrasting zoning district or land use. This promotes compatibility with existing uses, and helps to protect the value of buildings and property. The purpose of this section is to create varying degrees of visual and

physical separation between divergent land uses based upon the similarity and/or compatibility of the uses.

a. *General provisions.*

1. Screening between land uses shall be provided in accordance with the schedule set forth in subsection (b)(3)d of this section, and in accordance with the provisions of subsections (b)(3)b and (b)(3)c of this section.
2. The width of the screen and density of plantings shall be based upon the specific characteristic of the proposed use and adjacent land uses. Widths shall be measured from the respective common property line, unless the township body responsible for site plan review determines that the screen would be more effective in another location. The screen shall be placed along the entire length of the adjoining property lines. Upon the request of the applicant the planning commission may allow variation in the location of screening to meet the intent of this section. If approved by the planning commission, the screen may not be required along the entire length in all cases. Plants shall be arranged in a staggered pattern where possible, and designed to create a continuous screen where gaps between plants are filled with plant material when viewed from the adjacent property (contiguous land use).
3. Existing vegetation located on the property to be developed within the area of the proposed screen, which is in good condition and meets the size and type requirements in the various screening alternatives may be counted toward these requirements.
4. Where property is proposed to contain more than one use or category of uses as presented in the schedule in subsection (b)(3)d of this section, the more stringent requirements of the schedule shall apply; provided, however, that the township body responsible for site plan approval may allow the lesser requirements of the schedule upon finding that the need for more stringent requirements has been eliminated by the arrangement of the uses.
5. In the instance where a proposed use and/or an existing use on the abutting property is not listed in the schedule, the township body responsible for site plan approval shall, using the schedule as a guide, determine what screening, if any, shall be provided.
6. Where there is more than one screening alternative listed in the schedule for a certain land use, the township body responsible for site plan approval shall determine which screening alternative is appropriate.
7. Where screens turn at property corners, the length measurements determining plant quantities shall not be required to overlap.

b. *Screening requirements.*

1. Screening shall be located along all adjoining boundaries between conflicting land uses. However, upon request of the applicant the location of the screening may be located away from adjoining boundaries, if such location is necessary due to site conditions or if the effectiveness of the screen is improved. Relocation may be approved at the sole discretion of the township body responsible for site plan approval.
2. At time of installation, the screen shall meet the minimum sizes as described in the plant schedule, subsection (b)(9) of this section and create a visual screen at least eight feet in height within three years of planting. If alternative four is chosen, the height of the berm plus the height of the plant material combined must meet the eight-foot minimum height. However, no plant shall be smaller than the minimum sizes outlined in the plant schedule, subsection (b)(9) of this section.

3. Spacing of plants within the screen is somewhat determined by the width of the screen. However, the following spacing requirements apply unless a more appropriate arrangement is approved by the township body responsible for site plan approval:
- (i) Large Evergreen tree 10 to 15 feet o.c.
 - (ii) Medium Evergreen tree 5 to 7 feet o.c.
 - (iii) Large Deciduous tree 15 to 30 feet o.c.
 - (iv) Large Evergreen shrub 4 to 6 feet o.c.
4. The next subsection describes four screening alternatives that are applied based on the different adjacent land uses. Screens 1-3 are designed to attain an 80 percent opaque screen within three years from planting. If a wall is used, 100 percent opacity will be achieved at the time of construction. Opacity shall be measured by observation of any two square yard area of screen between one foot above the established grade of the contiguous land use and the top or the highest point of the required screen.
5. There are four different screening alternatives described in the schedule:
- (i) *Screen No. 1.* This screen shall consist of a 20-foot wide unbroken strip of open space planted with the following:

Minimum Quantity	Type/Size
1 per 10 linear feet	Medium Evergreen tree
1 per 30 linear feet	Deciduous (large or small/ornamental)
5 per 30 linear feet	Shrubs (pursuant to this section)

- (ii) *Screen No. 2.* This screen shall consist of a 25-foot wide unbroken strip of open space planted with the following:

Minimum Quantity	Type/Size
1 per 10 linear feet	Medium Evergreen tree
1 per 30 linear feet	Large Evergreen tree
1 per 30 linear feet	Deciduous tree (large or small/ornamental)
5 per 30 linear feet	Shrubs (pursuant to this section)

- (iii) *Screen No. 3.* This screen shall consist of a 30-foot wide unbroken strip of open space planted with the following:

Minimum Quantity	Type/Size
1 per 10 linear feet	Medium Evergreen tree
1 per 30 linear feet	Large Evergreen tree
1 per 25 linear feet	Deciduous tree (large or small/ornamental)
7 per 25 linear feet	Shrubs (pursuant to this section)

- (iv) *Screen No. 4.* The township body responsibility for site plan approval may determine that screening may be achieved through a combination of berming and landscaping at least eight feet in height. Berming shall be designed with side slopes not to exceed 1:3 and shall be maintained in ground cover and/or mulch.

(v) *Solid wall as needed.* Where there is a need, in the opinion of the township body responsible for site plan approval, to provide a greater noise or dust barrier or to screen more intense development, a solid wall shall be required and installed prior to building occupancy. Such wall shall be eight feet in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with face brick, poured-in-place simulated face brick, pre-cast brick face panels having simulated face brick, or stone. If vegetative screening is determined necessary in combination with a wall by the township body responsible for site plan approval, the landscaping will generally be located between the wall and the contiguous land use. The township body responsible for site plan approval shall determine the extent of landscaping and final location.

c. *Screening waivers and modifications.* The applicant may request the following waivers. The following standards should be addressed by the applicant as a part of the waiver request.

1. Where strict adherence to these provisions would reduce the usable area of a lot due to the lot's configuration or size to a point that would preclude a reasonable use of the lot, screening as described in the schedule may be waived or modified by the township body responsible for site plan approval where the building, another type of barrier, or the land between the building and the property line has been specifically designed to minimize adverse impacts through architectural and/or landscaping techniques.
2. Screening requirements as shown on the schedule may be waived or modified between land uses that are to be developed under a common development plan in the PUD zoning district when compatibility has been addressed through a combination of the location and arrangement of buildings or through architectural and/or landscaping treatments.
3. Screening requirements as shown on the schedule and required elsewhere herein may be waived or modified by the township body responsible for site plan approval upon finding any of the following:
 - (i) Sufficient natural vegetation is present on the site in question to form an effective screen;
 - (ii) Sufficient natural berming is present on the site to create a barrier in keeping with the specific type required for the proposed use;
 - (iii) There is sufficient distance between the proposed use and the adjoining parcel boundary so as to render any additional screening ineffective;
 - (iv) The topography is such that the planting of a screen as called out in this section would be of no benefit because the adjoining parcel to be screened is at a higher elevation than the subject property or for any other similar reason; or
 - (v) Any combination of subsections (b)(3)c.3.(i) through (iv) of this section.

d. *Screening schedule.* Screening shall be provided on the lot of the use indicated in the left column of the schedule where it is contiguous to land used or zoned as indicated across the top of the schedule in this section. The numbers in the middle columns of the following schedule refer to the alternative choices described in subsection (b)(3)b of this section:

* Screening Required on These Land Uses	When Contiguous with These Land Uses											
	A	B	C	D	E	F	G	H	I	J	K	L

A												
B	1											
C	1 or 2	1										
D	1 or 2	1	1 or 2									
E	1 or 2	1 or 2	1 or 2	1								
F	2	1 or 2	1 or 2	1 or 2	1 or 2							
G	2 or 3	1 or 2	2	2	1	1 or 2						
H	2, 3 or 4	2 or 3	2 or 3	1 or 2	1	1 or 2	1					
I	3 or 4	2 or 3	3 or 4	3 or 4	2 or 3	3 or 4	1 or 2	1				
J	3 or 4	2 or 3	3 or 4	3 or 4	2 or 3	3 or 4	2 or 3	1 or 2	1			
K	3 or 4	3 or 4	3 or 4	3 or 4	2 or 3	3 or 4	2 or 3	1	1 or 2	1		
L	4	3 or 4	4	4	3 or 4	4	3 or 4	2 or 3	2 or 3	1	1 or 2	

*

A = One-Family Detached Dwellings

B = Recreation, Public Utilities and Similar Uses

C = Two-Family and Cluster Residential Dwellings

D = Educational Facilities and Similar Uses

E = Offices and Similar Uses

F = Multifamily, Group Living and Similar Uses

G = General Commercial and Similar Uses

H = Parking

I = High-Intensity Commercial and Similar Uses

J = Public Utility Facilities

K = Light Industrial and Similar Uses

L = Heavy Industrial and Similar Uses

(4) *Parking lot landscaping.*

- a. *Required landscaping within parking lots.* Separate landscape areas shall be provided within parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and moderate the changes to the micro-climate which results from additional pavement. The following requirements shall be met:

- 1. There shall be a minimum of one tree for every eight parking spaces.

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2. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than 150 square feet in area.
 3. A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the backside of the curb and the proposed landscape plantings shall be provided.
 4. The planning commission, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow.
- b. *Required landscaping at the perimeter of parking lots.* The intent of landscaping the perimeter of parking lots is to screen vehicle headlights and to beautify the expanse of parking lot pavement.
1. Parking lots shall be landscaped along the perimeter of those sides which are visible from a public road. The planning commission, at its discretion, may approve landscape plantings, berming or a solid wall as a means to screen parking areas.
 2. All parking lots which abut adjacent residentially zoned or used properties shall meet all screening requirements set forth in subsection (b)(3) of this section.
 3. A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the backside of the curb and the proposed landscape plantings shall be provided.

(5) *Greenbelts.*

- a. A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street, freeway, or major thoroughfare, and any pavement intended for parking, internal driveways, loading areas, stacking lanes, or internal access drives/maneuvering lanes. The greenbelt shall be landscaped with a minimum of one tree not less than 12 feet in height or a minimum caliper of two inches (whichever is greater at the time of planting) for each 30 lineal feet, or major portion thereof, of frontage abutting said right-of-way. Size exceptions can be made if native tree species that would otherwise be destroyed are transplanted from the site to meet this requirement (see subsection (b)(14) of this section). The remainder of the greenbelt, if disturbed by construction, shall be landscaped in grass, ground cover, shrubs, and/or other natural landscape material. If not disturbed, the existing native vegetation in the greenbelt shall be preserved.
- b. Access drives from public rights-of-way through required greenbelt shall be permitted, but such access drives shall be configured as follows, to the greatest extent possible, to minimize disturbance to the greenbelt:
 1. Access drives shall be perpendicular to the road right-of-way.
 2. Access drives shall only be used to provide vehicular access from the abutting road to the site.
 3. Turning radii at the point of intersection of the access drive and maneuvering land shall be the minimum necessary to allow access into the site.
- c. The access drive shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

(6) *Site landscaping.*

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- a. In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing native vegetation and tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.
 - b. No more than 50 percent of the required site landscaping may consist of wetlands and/or areas used for storm drainage purposes, such as drain courses and retention areas. However, the township, in its discretion, may modify this requirement if it determines that said requirement cannot be reasonably met for a parcel due to its size or shape.
- (7) *Subdivision and site condominium landscaping.* Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements.
- a. *Street trees.* The frontage of all internal public or private streets shall be landscaped with the equivalent of one tree for every 60 lineal feet, or fraction thereof. Such street trees shall be planted outside of the public road right-of-way or private road easement and within the required front yard setback. If the trees are planted in a traditional arrangement (i.e., planted singly at consistent spacing along the street), then spacing requirements set forth in subsection (b)(9) of this section shall be met. If the trees are planted in a naturalized arrangement (i.e., planted similar to their arrangement in nature), the approved exceptions to the spacing requirements apply. All species used shall be appropriate for a street environment. If trees used for street trees are transplanted from areas of the site to be developed, the size exceptions outlined in subsection (b)(14) of this section apply. The governing body having final approval may determine that existing trees which are preserved will meet all or part of the street tree requirement.
 - b. *Screening from public roads.* Where the side or rear yards of subdivision or site condominium lots about a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection (b)(3) of this section shall be met. To maintain the character of the existing road, preservation of native vegetation is encouraged. If native vegetation does not meet the opacity requirements outlined in subsection (b)(3) of this section, additional plant material similar in species to the existing vegetation is encouraged.
 - c. *Entryway plantings.* Where residential developments are being constructed within the boundary of a priority resource protection area, the entry to the development should be designed so that it fits into the surrounding environment. Possible ways to accomplish this could include minimal landscaping at the entryway while maximizing preservation of existing vegetation; minimizing the size of the entry road; or temporary use of an identity sign until all lots initially available are sold, at which time the sign would be removed.
 - d. *Other site improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.
- (8) *Screening of trash containers.*
- a. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development. The planning commission, at its discretion, may approve alternative methods of screening.

- b. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
- c. Containers and enclosures shall be located away from public view insofar as possible.
- d. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- e. Concrete pads of appropriate size and construction shall be provided. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
- f. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.

(9) *Minimum size and minimum spacing requirements.* Where landscaping is required, the following schedule sets forth minimum size and spacing requirements. For allowable exceptions to these requirements, see subsection (b)(14) of this section.

Type	Minimum Size Allowable										Maximum On-Center Spacing** (in feet)										
	Height (in feet)				Caliper/Spread (in inches)				Peat Pot	Container											
	6 to 4	3 to 3	2 to 2	1½ to 2	1½ to 2	2 to 2	2½ to 24	18 to 24	2	2	30	25	15	10	6	5.5	5	4	3	2	1
Large evergreen trees																					
Fir (Abies)	X												X								
Spruce (Picea)	X												X								
Pine (Pinus)	X												X								
Hemlock (Tsuga)	X												X								
Douglas fir (Pseudotsuga)	X												X								
Tamarack	X												X								
Larch (Larix)	X												X								
Medium evergreen trees																					
Red cedar (Juniperus)	X													X							
Arborvitae (Thuja)	X													X							
Juniper (Juniperus)	X													X							
Large evergreen shrubs with ultimate height of 12 feet or less																					
Hicks yew (Taxus)			X													X					
Upright yew (Taxus)			X													X					
Spreading yew (Taxus)								X								X					
Upright juniper (Juniperus)			X													X					

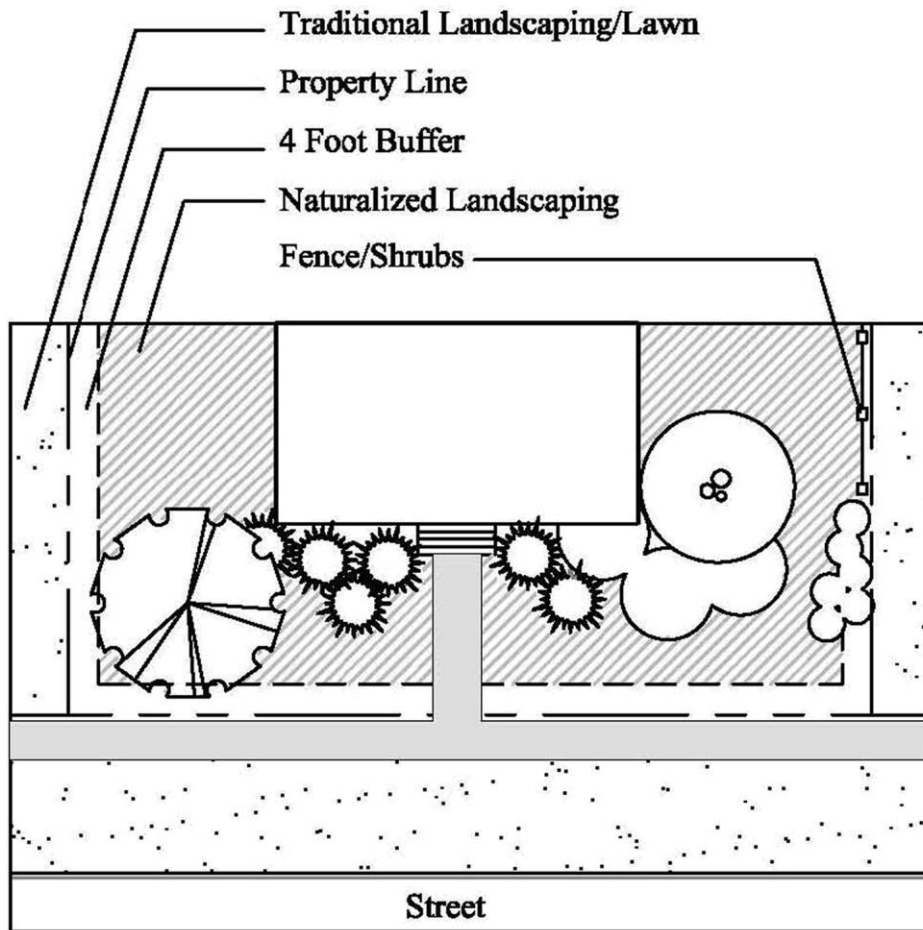
Spreading juniper (Juniperus)								X									X												
Mugho pine (Pinus)								X									X												
Small evergreen shrubs																													
Spreading Yew								X																					X
Dwarf Spreading Juniper								X																					X
Dwarf Mugho Pine								X																					X
Euonymus varieties*								X																					X
Vines																													
Euonymus varieties*																	X												X
Virginia Creeper																	X												X
Wisteria																	X												X
Riverbank Grape																	X												X
American Bittersweet																	X												X
Large deciduous trees																													
Oak (Quercus)							X																						X
Maple* (Acer)							X																						X
Beech (Fagus)							X																						X
Linden or basswood (Tilia)							X																						X
Sweetgum (Liquidambar)							X																						X
Ginkgo (male only) (Ginkgo)							X																						X
Honeylocust (Gleditsia)							X																						X
Birch (Betula)							X																						X
Sycamore (Platanus)							X																						X
Hickory (Carya)							X																						X

Vaccinium (blueberry)			X															X			
Holly		X																X			
Spicebush		X																X			
Hazelnut		X																X			
Chokecherry		X																X			
Buttonbush		X																X			
American elder		X																X			
Small deciduous shrubs																					
Fragrant sumac				X															X		
Cotoneaster*				X															X		
Potentilla				X															X		
Meadowsweet				X															X		
Leatherleaf				X															X		
Rubus/ribes varieties				X															X		
*Refer to prohibited exotic invasive species list																					

(10) *Landscape elements.* The following minimum standards shall apply:

- a. *Quality.* Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the county, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- b. *Composition.* A mixture of plant material, such as evergreen and deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. Species native to the county are recommended for all types of landscaping, as described in subsection (b)(16) of this section.
- c. *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with vegetation that will hold the soil in place, such as deep-rooted grasses, ground covers and/or shrubs.
- d. *Existing plant material.* If existing plant material is labeled "To Remain" on site plans by the applicant or required by the township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment, supplies or materials shall be parked or stored within the dripline of any tree to be saved, or in any areas where native vegetation is to be preserved. Other protective techniques may be used, provided such techniques are approved by the township.
- e. *Installation, maintenance, and completion.*
 1. All landscaping required by this chapter shall be planted prior to obtaining a certificate of occupancy, or a letter of credit and/or certified check shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

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2. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.
 3. The owner of property required to be landscaped by this chapter shall use environmentally sound landscape management practices that minimize or eliminate the use of chemical fertilizers, herbicides and pesticides, conserve water, and limit the necessity to use gasoline-powered landscape maintenance equipment. They shall also maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first.
- (11) *Private naturally landscaped lots.* If a landowner decides to use a landscape style that emulates nature where such style is not prohibited, then it is the intent of these provisions to ensure that this landscape style does not intrude on the adjoining properties or impair site distances for pedestrians and motorists. Someone using a natural landscape style must follow these standards:
- a. A private, naturally landscaped lot is a privately owned lot which is naturally landscaped so as to exhibit the deliberate and conscious decision to plant, cultivate, and maintain native plant species. A naturally landscaped lot is not the simple neglect of an existing lawn or other plantings on a property.
 - b. Naturally landscaped lots should be maintained so that herbaceous plants are mown or cut to 18 inches or less at least once prior to June 1 of each calendar year.
 - c. Natural landscaping on private lots shall not be located within four feet of any property line. The four-foot buffer shall be made up of short vegetation such as mown turf grass or other nonvegetative materials such as stones. No rear or side yard setback shall be required where the natural landscaping material is separated from adjacent lots by fencing or shrubs, or where the natural landscaping material abuts permitted natural landscaping material on an adjacent lot. An intervening path or sidewalk shall not be deemed to prevent natural landscape materials from abutting for purposes of this section. See the following graphics for further explanation of the buffers:



Buffer to Abutting Property Lines

- d. A naturally landscaped lot often has a significantly different character than a traditionally landscaped lot, as it generally does not include much mown lawn, but is made up of relatively tall plants, often in an arrangement that emulates nature. Property owners who wish to use a landscape style that emulates nature, where not prohibited by development restrictions, should consider the following design guidelines to coordinate this style with neighboring, traditional landscapes:
 1. *Acknowledge the landscape style of adjoining properties.* Design boundary areas in a way that create a smooth transition between the traditional landscape style and the more natural landscape style. This can be done by placing naturally landscaped beds away from boundaries, using a progression of plant heights (short to tall) as you move away from the boundary, or mixing native species with more traditional landscaping plants.
 2. *Advertise ecological stewardship.* Talk to neighbors about the proposed landscape style so that they understand the benefits of naturalized landscaping.

3. *Start small.* Create small beds in the naturalized landscaping style, rather than transforming large areas of the property all at once.
4. *Add human elements.* Include benches, bird feeders, garden ornaments, and other human elements that invite people into the landscape so that they can begin to appreciate the naturalized landscaping style, and enjoy the plants.
5. *Refer to the Springfield Township's Native Plant CD and information sheets.* The township has produced a CD and information sheets that provide valuable information about naturalized landscaping and ways property owners can successfully integrate it into developed areas.

(12) *Prohibited and restricted use plant species.*

- a. As of the effective date of the ordinance from which this chapter is derived, the following plant species shown on the first table in this subsection shall not be approved for landscaping in any development requiring site plan approval. These prohibited plant species are not native to the area, reproduce profusely and have potentially harmful effects on natural ecosystems. The second table in this subsection lists restricted use plant species that have invasive tendencies but are not as problematic as the prohibited plant species when used responsibly.
- b. It is not possible to list all the cultivars of the plants prohibited or restricted by this chapter, primarily because new cultivars are introduced over time. However, because cultivars might contribute to an invasive plant's spread, they are also discouraged. Cultivars may not produce seed themselves (and hence are described as "sterile"), but they will produce pollen that can hybridize with other noncultivar individuals of their species, creating seed which spreads the undesirable plant. Cultivars are identified in single quotation marks, after the scientific name. For example, *Acer platanoides* 'Crimson King' is a cultivar of the Norway Maple.

PROHIBITED PLANT SPECIES*

Common Name	Scientific Name
Trees	
Tree of Heaven	<i>Ailanthus altissima</i>
Black alder	<i>Alnus glutinosa</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Autumn olive	<i>Elaeagnus umbellata</i>
Black locust	<i>Robinia pseudoacacia</i>
Shrubs and woody vines	
Oriental bittersweet	<i>Celastrus orbiculata</i>
Privet	<i>Ligustrum vulgare</i>
Japanese honeysuckle	<i>Lonicera japonica</i>
Amur honeysuckle	<i>Lonicera maackii</i>
Morrow's honeysuckle	<i>Lonicera morrowii</i>
Tartarian honeysuckle	<i>Lonicera tatarica</i>
Bell's honeysuckle	<i>Lonicera xbella</i>
Common buckthorn	<i>Rhamnus cathartica</i>
Glossy buckthorn	<i>Rhamnus frangula</i>
Black jetbead	<i>Rhodotypos scandens</i>
Multiflora rose	<i>Rosa multiflora</i>
Flowers, ground cover and grasses	
Garlic mustard	<i>Alliaria petiolata</i>

Narrow-leaved bittercress	<i>Cardamine impatiens</i>
Spotted knapweed	<i>Centaurea maculosa</i>
Canada thistle	<i>Cirsium arvense</i>
Crown vetch	<i>Coronilla varia</i>
Queen Anne's lace	<i>Daucus carota</i>
Leafy spurge	<i>Euphorbia esula</i>
Dame's rocket	<i>Hesperis matronalis</i>
Purple loosestrife	<i>Lythrum salicaria</i>
White sweet clover	<i>Melilotus alba</i>
Yellow sweet clover	<i>Melilotus officinalis</i>
Wild parsnip	<i>Pastinaca sativa</i>
Reed canarygrass	<i>Phalaris arundinacea</i>
Reed phragmites (giant reed)	<i>Phragmites australis</i>
Japanese knotweed	<i>Polygonum cuspidatum</i>
Mile-a-minute weed	<i>Polygonum perfoliatum</i>
Narrow-leaved cattail	<i>Typha angustifolia</i>
Black swallow-wort	<i>Vincetoxicum nigrum</i>
Pale swallow-wort	<i>Vincetoxicum rossicum</i>
*By ordinance, these plants are prohibited for use in any development requiring site plan approval. Residents also are strongly discouraged from using these plants anywhere in the township.	

RESTRICTED USE PLANT SPECIES*

Common Name	Scientific Name
Trees	
Norway maple	<i>Acer platanoides</i>
Shrubs and woody vines	
Japanese barberry	<i>Berberis thunbergii</i>
Common barberry	<i>Berberis vulgaris</i>
Wintercreeper	<i>Euonymus fortunei</i>
English ivy	<i>Hedra helix</i>
Flowers, ground cover and grasses	
Pachysandra	<i>Pachysandra terminalis</i>
Myrtle (Periwinkle)	<i>Vinca minor</i>
* Refer to Michigan Invasive Plant Council website (http://invasiveplantsmi.org/plants_mpias.html) to determine responsible use of these plants. Depending on use and location, these plants could be prohibited for use in a development as part of the site plan approval process. Residents of the township also are urged to practice responsible use of these potentially invasive plants.	

(13) *Preservation of existing vegetation.* The purpose of this section is to encourage the maximum use of native plants in the landscapes of all development projects. This includes the preservation of existing native vegetation, and preservation of desirable, exotic noninvasive vegetation on a site. The recommended ways set forth methods of preserving native and noninvasive vegetation during the site development process are as follows:

- a. Protect and conserve existing native plant communities and noninvasive plants by locating development in areas of the site, if any, that are disturbed. (For example, locate development on the portion of a site that was previously farmed and is vegetated by herbaceous agricultural

weeds rather than placing development in a woodland or other area vegetated by native or noninvasive plants.) Priority for preservation should be given to native plant communities and noninvasive plants that are contiguous with other tracts of existing natural areas or designated open space, and/or for native plant communities that are made up of a rich variety of species that indicates a site of high ecological significance.

- b. Maintain the existing hydrology of the site so as not to significantly increase or decrease the amount of water flowing to existing native plant communities or noninvasive plants to be conserved.
 - c. Designate a natural features setback of 25 feet between the existing native plant community or noninvasive plants and proposed limits of clearing, or lot lines in case of a residential development. Locate the edge of the natural features setback with permanent markers.
 - d. Provide language in the master deed and bylaws and subdivision deed restrictions, and/or restrictive covenants that specifically protects the existing native plant communities and noninvasive plants to remain on site from alteration, removal or destruction, except for annual maintenance requirements necessary to sustain and protect the native plant communities.
- (14) *Plant transplantation.* In the development of many sites, there are appropriate native plant species that exist on the site that will be destroyed by development, but could be transplanted to other areas on a site. If this is the case, the following recommendations should be observed:
- a. Where native plant species are being displaced by development, herbaceous and woody plants should be transplanted to the extent possible before all land clearing operations begin. Plants that can be successfully transplanted should be designated by a qualified professional. These plants should be protected from construction activity and maintained in a healthy condition on site until they can be transplanted to other areas of the site.
 - b. Woody native plant species that are transplanted from developed areas of a site may be used to fulfill landscaping requirements. Plants of a size smaller than the sizes outlined in subsection (b)(9) of this section are allowed as long as the plants are no less than one-half the required size, and that the total number of plants used adds up to the size requirements for a single species. For example, two, rescued 1½-inch caliper oaks can be used instead of one, three-inch caliper oak. Note that transplanted deciduous trees must be a minimum of 1½-inch caliper.
 - c. Native plant species should not be removed for transplanting or for other purposes from undisturbed areas of the site, or areas designated as preservation or conservation areas. Federal and state laws protecting native plant species designated as endangered, threatened or of special concern must be adhered to and under no circumstances shall these plants be damaged, destroyed or removed from the site.
 - d. Native plants that will otherwise be destroyed through construction activities can be rescued by the property owner and used in landscaping that same site. If, with the property owner's written permission, plant material is removed from one site for transplanting to another site, the plants must be inspected by the Michigan Department of Agriculture Pesticide and Plant Pest Division, according to the Insect, Pest and Plant Diseases Act No. 189, Public Acts 1931, as amended.
- (15) *Exotic invasive species removal.* Invasive species identification, treatment, and removal shall be in accordance with the provisions of chapter 12, article V.—Invasive species control.
- (16) *Native plants in landscaping.* If native species are to be used in landscaping and plantings, the following recommendations should be considered:

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- a. Native plant species chosen for a site should be based on the existing vegetation and site conditions. The woodland, wetland or meadow species that currently grow on a site indicate the native species to be used in landscaping the site.
 - b. It is recommended that native plant species listed in the Springfield Township Native Vegetation CD-Rom database be used in both traditional (entryway, foundation plantings, etc.) and natural (stormwater systems, open space, etc.) landscaping arrangements. Endangered, threatened or special concern plants should be avoided altogether. A copy of the native vegetation CD-Rom database is available from the township.
 - c. In entryways or other areas where aesthetics is of primary importance, cultivars of native plant species may be considered to ensure, to a certain degree, the plant's appearance.
 - d. Plantings installed in areas of stormwater conveyance, infiltration, or retention/detention should be planted with native species that specifically perform the necessary runoff attenuation, filtration, water uptake and purification functions needed in such areas. Both herbaceous and woody species should be incorporated into the plant mix, where the desired function dictates.
 - e. The arrangement of native species can be designed in, both, conventional arrangements or more natural arrangements. Natural arrangements emulate the arrangements found in nature within the particular plant community being used for landscaping purposes. Natural arrangements should be used for landscaping open space, such as surface stormwater systems, street tree plantings and/or parks. If natural arrangements are used, plant spacing requirements can be waived as long as the function the plants are to serve is accomplished.
 - f. The number of native species used in a natural arrangement should be more complex, and somewhat representative of the plant community being emulated, than would be used in a conventional planting arrangement.

(17) *Site work and restoration recommendations.*

- a. All topsoil that is stripped from the areas to be developed should be stockpiled on site. Topsoil should be stockpiled based on soil type and replaced in areas of similar soil types on site. Bringing in new topsoil to the site is discouraged, as this brings in weed seeds and other exotic plant species from off site.
- b. If infiltration areas are to be seeded with a grass mix, all soils to be seeded are to be broken up to a minimum of six inches deep if heavy equipment has compacted the soil during construction. This scarification will create air pockets and the start of a route for stormwater to enter the soil.
- c. Where degraded ecosystems exist on a site, appropriate native plant species should be used to restore the landscape. This can be accomplished to improve stormwater infiltration and water quality, habitat for wildlife, and community character.

(18) *Maintenance.* One purpose of using native vegetation is to preserve or improve water quality and wildlife habitat by reducing the amount of maintenance and watering required, preventing soil erosion, minimizing the use of chemical (versus organic) fertilizers and pesticides, and reducing emissions from gasoline-powered landscaping equipment. Recommendations: All ecosystem types should be maintained using environmentally sound practices that will keep the plants in a healthy and thriving condition without the use of toxic chemicals. Maintenance programs should be based on the ecosystem type.

(Ord. No. 26, § 16.06, 9-13-1990; Ord. of 10-9-2008, § 1(8, 9); Ord. of 8-13-2009, § 1; Ord. No. 2018(5), § 3, 8-9-2018; Ord. No. 2018(8), §§ 2—5, 10-11-2018)

Editor's note(s)—Ord. No. 2018(8), § 2, adopted Oct. 11, 2018, amended § 40-721 and in so doing changed the title of said section from "Landscaping, greenbelts and buffers, and screening" to "Landscaping, greenbelts, and screening," as set out herein.

State law reference(s)—Municipal forests, MCL 324.52701 et seq.

Secs. 40-722—40-750. Reserved.

DIVISION 4. SIGNS

Sec. 40-751. Signs.

- (a) *Purpose and Intent.* The purpose and intent of this section is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting maximum latitude for creative and effective advertising and identification. Signs may be erected or maintained in the township of Springfield only as permitted by this section and subject to all restrictions contained herein. The sign standards are adopted in order to:
- (1) Prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses.
 - (2) Keep the number of signs and sign messages at a level reasonably necessary to identify a business and its products.
 - (3) Keep sign sizes within a reasonable scale with respect to the buildings to which they relate.
 - (4) Prevent off-premises signs from conflicting with business, residential and public land uses.
 - (5) Keep an area adjacent to streets, clear of signs which might obstruct or distract the view of motorists.
 - (6) Reduce the visual and physical obstructions to motorists entering or leaving streets.
- (b) *General conditions.*
- (1) *Location.* All signs must direct attention to a residential development or a business or profession conducted on the premises, or to a commodity, service or entertainment primarily sold, offered, manufactured, processed, or fabricated thereon.
 - (2) *Illumination.*
 - a. No sign shall be illuminated by other than electrical means.
 - b. The light from illuminated signs shall be directed in a manner that will not interfere with vehicular traffic or with the enjoyment or use of adjacent properties, nor directly shine onto adjacent or abutting properties.
 - (3) *Safety.*
 - a. All permanent signs shall be erected and maintained in compliance with all applicable building codes, and other applicable ordinances governing construction within the township. In the event of conflict between this section and other laws, the most restrictive shall govern.
 - b. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement on any public sidewalk or safety path.

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- c. No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.
- (4) *Permanent signs permitted in all districts without a permit.*
 - a. Signs erected for traffic safety purposes by public road agencies.
 - b. Federal, state, county or local required signs on private property not to exceed six square feet.
 - (5) *Permitted signs.* Signs expressly permitted by subsections (c) and (d), of this section are allowed.
 - (6) *Prohibited permanent signs.* All permanent signs not expressly permitted under this chapter are prohibited in the township. Such prohibited signs include, but are not limited to, the following:
 - a. Roof signs;
 - b. Animated signs, including signs containing illuminated changeable copy, flashing, intermittent or moving lights, or with moving or revolving parts. This provision is not intended to exclude those signs which give the time or temperature, or changeable copy signs with displays which change not more than two times in a 24 hour period.
 - c. Signs affixed to utility poles or to trees, rocks, shrubs or natural features, provided signs on a rock denoting a site of historical significance or a person being honored may also be allowed.
 - d. Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices or signs which make use of words such as "Stop," "Look," "Danger," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - e. Signs (other than those erected by a public agency) which are located within or overhang the public right-of-way or on public property.
 - f. Any strobe, flashing, or oscillating lights either from the interior or exterior of a building.
 - (7) *Temporary signs.* All temporary signs are prohibited unless expressly permitted under Article V.—Temporary and nonconforming signs of chapter 12.
 - (8) *Nonconforming existing signs.* All existing permanent and temporary signs which do not meet the requirements of this article must comply with section 12-11.—Nonconforming and abandoned or obsolete signs.
- (c) *Ground signs.*
 - (1) *General requirements.*
 - a. Within all nonresidential zoning districts, only one ground sign shall be permitted per lot.
 - b. Within all residential zoning districts, only one ground sign shall be permitted at the primary entrance for the purpose of identifying a subdivision, site condominium, multiple-family development, or mobile home park. One additional ground sign may be permitted at a secondary entrance if it is not located on the same street as the primary entrance. Sign size, number of signs, and location shall be determined during site plan review.
 - c. Within all residential zoning districts, only one ground sign shall be permitted per lot for the purpose of identifying a nonresidential special land use. Size and location shall be determined during site plan review.
 - d. Within all PUD districts, the number and size and location of ground signs shall be determined by the intended use of the premises, subject to the review and approval of the township during PUD plan review.
 - e. All ground signs shall be set back a minimum of 15 feet from all road rights-of-way.

- f. The ratio of width to height of the sign face at the widest and highest points shall not exceed 3:1.
- g. The support structure for a ground sign shall not exceed 25 percent of the maximum permissible area of the sign measured by viewing the elevation of the sign perpendicular to the sign face, unless otherwise approved during the site plan review process. In the Dixie Corridor Overlay District, the 25 percent limit may be increased during the site plan review process.
- h. Signs which give the time or temperature, or changeable copy signs with displays which change not more than two times in a 24-hour period, are allowed on a ground sign.

(2) *Maximum height and area requirements.*

- a. The maximum sign area (per side) of the R1-A, R-1, R-2, R-3, RM, RMH, RC, PR and PS zoning districts shall be 32 square feet. The maximum sign height for these districts shall be six feet.
- b. The maximum sign area (per side) of the O-S, C-1, C-2, M-1, M-2, and E-1 zoning districts shall be 50 square feet.
- c. Sign height. The following shall apply.

District	Height
OS	8 feet
C-1	8 feet
C-2	10 feet
M-1	6 feet
M-2	6 feet
E-1	6 feet

(3) *Business center.*

- a. A business center sign shall state the name of the business center and the tenants located therein. No individual tenants may be permitted to have a separate ground sign.
- b. One business center sign shall be permitted with the following exceptions:
 - 1. An additional business center sign may be located at a secondary entrance that is not located on the same street as the primary entrance.
 - 2. An additional business center sign may be allowed if a 300-foot separation between signs can be maintained along the frontage of the center.

In no case shall more than two business center signs be permitted for each center. If two business center signs are permitted as noted above, the total allowable square footage shall not exceed 75 square feet for each sign.
- c. The maximum area of a business center sign shall be 112 square feet. The maximum height of business center signs shall be 12.5 feet.

(d) *Building signs.*

(1) *General requirements.*

- a. Within all nonresidential zoning districts, a combination of building signs, not including window signs, are not to exceed the maximum sign area for each lot in subsection (d)(2) of this section. Signage for multiple tenant buildings shall not exceed the total maximum square footage allowed for building signs in that district per lot. If the maximum building sign size for a lot on which a multiple tenant building is located creates a condition where individual tenants have a maximum

building sign size less than that enjoyed by a similar business on a separate lot, the maximum building signage may be increased by the township during site plan review. However, in such cases where the township allows an increase of the maximum building signage for a multiple tenant building, the maximum sign area (square feet) per tenant shall not exceed one square foot of sign area per one lineal foot of building frontage.

- b. Within all PUD districts, the number and size of all signs shall be determined by the intended use of the premises, subject to the review and approval of the township, during PUD plan review.

(2) *Maximum area requirements.*

- a. For individual businesses or multiple tenant buildings that are within the OS, C-1, C-2, VC, M-1, and M-2 Zoning Districts, the following variable building sign area shall be permitted as measured from the edge of the road travelway (that part of the roadway provided for the movement of vehicles, exclusive of road shoulders):

Building Setback from Edge of Road Travelway	Maximum Area for All Individual or multiple tenant Building Signs
79 feet and less	50 square feet
80 feet to 99 feet	80 square feet
100 feet to 149 feet	100 square feet
150 feet to 174	200 square feet
175 feet and Greater	260 square feet

- b. For those buildings that are 150 feet or less from the edge of road travelway, building sign area as noted in the table above may be increased by 50 square feet if no ground sign is installed on the lot. If no ground sign is installed up to ½ of the permitted building signage could be oriented perpendicular to the road as a projecting sign.
- c. For individual or multiple tenant buildings that are within the RC, PR, and PS Zoning Districts, 0.5 square foot of building signage shall be allowed for each one linear foot of building frontage with a maximum sign area of 50 square feet

- (3) Window signs. Window signs are not counted towards total building signage and shall be permitted on the inside in commercial and office districts provided that the total combined area of such signs shall not exceed one-quarter or 25 percent of the total window area.

- (4) *Village center district.* Each building within the VC, village center district is subject to the area requirements set forth in subsection 40-751(d)(2), either as an individual sign or a combination of signs, further subject to the following standards:

- a. Projecting signs. Individual projecting signs may be permitted subject to the following:
 1. Projecting signs shall be affixed to and mounted perpendicular to the building façade. Projecting signs may also be mounted to a single pole, provided the base of the pole does not encroach in the public road right-of-way.
 2. The signboard shall not exceed 15 square feet.
 3. The distance from the ground to the lower edge of the signboard shall be eight feet minimum.
 4. The distance from the building wall to the signboard shall not exceed six inches.
 5. The width of the signboard shall not exceed three feet.

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- b. *Wall-mounted signs.* Wall-mounted signs may be permitted subject to the following:
 - 1. The sign shall be affixed to the front façade of the building and shall project outward from the wall to which it is attached no more than six inches.
 - 2. The maximum permitted height is 15 feet above the front sidewalk elevation and shall not extend above the base of the second floor windowsill, parapet, eave, or building façade.
 - 3. Limited to one wall sign per building.
 - 4. Applied letters may substitute for wall-mounted signs, if constructed of painted wood, painted cast metal, bronze, brass, or black anodized aluminum. Applied plastic letters shall not be permitted.
 - c. *Painted window or door signs.* Painted window or door signs may be permitted, provided the following standards are met:
 - 1. The sign shall not exceed 25 percent of the window or door area, or four-square feet, whichever is less.
 - 2. Limited to one sign per business for multi-tenant buildings.
 - d. *Awning signs.* Awnings or canopies used to advertise a business shall be made of cloth or material resembling cloth. Awning signs may be permitted for ground floor uses only, and in addition to a wall-mounted sign, provided the following standard is met:
 - 1. The sign area on the awning shall not exceed ten square feet in area.
 - e. *Historic signs.* If a structure within the VC district has been designated a State Historical Site or listed in the National Register of Historic Places, then a marker designating that fact, obtained from the appropriate state or federal agency, shall be permitted in addition to any other sign or signs which may lawfully be placed on the structure or property on which the structure is located.
- (e) *Computations.* The following principles shall control the computation of sign area and sign height:
- (1) *Computation of area individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed as the sum total of all exterior surfaces of the sign in square feet. In the case of a broken sign (a sign with open spaces between the letters, figures, numbers or symbols) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two furthestmost letters.
 - (2) *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - a. Existing grade prior to construction;
 - b. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign; or
 - c. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.
- (f) *Administration.*
- (1) *Site plan review.* For new development subject to site plan review under the provisions of section 40-136, the final site plan shall include a comprehensive sign plan including ground, building and

directional sign locations and details. Any sign, other than directional signs and temporary signs, not included in the comprehensive sign plan at the time of final site plan approval shall be subject to planning commission approval.

(2) *Permits required.*

- a. It shall be unlawful to display, erect, relocate, or make structural or dimensional alterations to any sign without obtaining a sign permit.
- b. A permit shall be issued by the township only if the proposed sign meets all the requirements of this chapter.
- c. If a proposed alteration is limited to the information to be communicated on the sign, and structural modification shall not be required, no permit shall be required.
- d. Each application for a sign permit shall be accompanied by fees, established by the township board.
- e. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the township and shall be signed by the applicant and owner.

(g) *Design, construction and maintenance.* All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (1) All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- (2) All signs shall be maintained in good structural condition, in good repair, in compliance with state construction code, and in conformance with this chapter at all times.
- (3) Signs not kept in good repair include, by way of example and not limitation, those which;
 - a. Constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - b. Have any parts broken, missing letters, or nonoperational lights;
 - c. Have peeling paint on any surface;
 - d. Are capable of causing electrical shocks to persons likely to come in contact with them.

(k) *Violations.*

- (1) All violations of these provisions shall be subject to division 4 enforcement and penalties of this section.
- (2) Each sign installed, created, erected, or maintained in violation of this section shall be considered a separate violation.
- (3) Any signs placed within a road right-of-way (ROW) and on utility poles will be considered a violation of this chapter and may be removed by the township at the expense of the owner.
 - a. The approved notice of the Alternative System shall include any conditions or requirements of OCHD in addition to those conditions of the township. The notice shall be recorded by the Township at Oakland County Register of Deeds. A copy shall be given to any prospective new owner prior to transfer of ownership.

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- b. The owner of property with or a user of an alternative system shall maintain operations and maintenance contracts, approved by the township, at all times. The contracts cannot be changed or transferred to a different contractor or property owner without township approval
 - c. Any system agreements must include installer, operator, maintenance, repair, alarm and other component contracts. One contractor can be responsible for all components, if qualified, in the determination of the township.

(Ord. No. 26, § 16.07, 9-13-1990; Ord. of 12-11-2008(2), § 1(4); Ord. of 1-12-2012, § 1; Ord. No. 2012(1), § 1, 8-9-2012; Ord. No. 2012(4), § 3, 7-12-2012; Ord. No. 2019(7), § 2, 6-13-2019; Ord. No. 2019(10), § 3.a., 10-10-2019; Ord. No. 2021(1), 1-14-2021)

State law reference(s)—Highway Advertising Act of 1972, MCL 252.301 et seq.

Secs. 40-752—40-780. Reserved.

DIVISION 5. FENCES

Sec. 40-781. Fences and screening structures.

Unless otherwise provided for herein, the following provisions shall apply to fences and screening structures:

- (1) No fence or other screening structure shall exceed six feet in height in a side or rear yard within a residential district.
- (2) No fence or other screening structure shall exceed three feet in height in a required front yard within a residential district.
- (3) On lakefront lots within a residential district, fences and screening other structures which are located between the main building and the ordinary high-water mark shall be an open air type, permitting visibility through at least 80 percent of its area.
- (4) A fence or other screening structure that is intended to provide privacy to a deck or patio that is either structurally attached or adjacent to the principal residence and is located within a rear yard shall not exceed a height of eight feet above the finished floor of a deck or finished grade of a patio. No such structure shall be located in any required side yard.
- (5) Notwithstanding the provisions of subsections (3) and (4) of this section, fences around swimming pools shall be permitted, so long as they conform to applicable provisions of the state construction code as may be amended, modified, or superseded from time to time in the future.
- (6) Fences or other screening structures shall consist of materials commonly used in conventional construction, including, but not limited to, wood, metal, vinyl, masonry brick or natural stone. If, because of the design or construction, one side of the fence or other screening structure has a more finished appearance than the other, the side of the fence or other screening structure with the more finished appearance shall face the exterior of the lot.
- (7) Fences or other screening structures shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed.
- (8) Retaining walls shall be designed and constructed in accordance with applicable standards and code requirements.

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- (9) Entranceway structures, including but not limited to walls, columns, and gates may be permitted and may be located in a required yard, except as provided in section 40-636, obstruction to visibility, provided that such entranceway structures shall comply with all codes and ordinances of the township.

(Ord. No. 26, § 16.13, 9-13-1990)

Secs. 40-782—40-820. Reserved.

DIVISION 6. ARCHITECTURAL STANDARDS

Sec. 40-821. Architectural and site design standards.

For all uses subject to site plan review, the following architecture and site design standards shall be met:

(1) *Building facades and exterior walls.*

- a. Building facades greater than 100 feet in length, measured horizontally, shall incorporate architectural interest through the use of color, texture and relief. In addition to meeting the standards set forth in subsection (1)b of this section, no uninterrupted length of any facade shall exceed 100 horizontal feet.
- b. Building facades shall include a repeating pattern that includes no less than two of the following elements:
 1. Building color change;
 2. Building material texture change; and/or
 3. Projections, recesses or windows extending along at least 20 percent of the facade.

(2) *Roofs.* Roofs shall exhibit the following features:

- a. *Flat roofs.* Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third of the height of the supporting wall at any point.
- b. *Pitched roof.* Overhanging eaves, extending no less than three feet past the supporting walls; an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run; and three or more roof slope planes.

(3) *Materials and colors.*

- a. Predominant exterior building materials shall be attractive, durable and maintainable including, but not limited to, brick, stone, wood, vinyl, aluminum, and integrally tinted/textured concrete masonry units.
- b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- c. Building trim and accent areas may feature brighter colors, including primary colors, but neon light shall not be permitted as an acceptable feature for building trim, window trim, or accent areas.

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- d. Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels, unless such materials are consistent with materials used for buildings within the immediately surrounding area.
- (4) *Modifications.* The township body responsible for site plan approval may approve modifications to the standards set forth in this section, either in whole or in part, as long as the modification will not create a negative visual impact, when the building is viewed from a public thoroughfare and/or a neighboring property and where one or more of the following can be demonstrated;
- a. The modification will achieve a specific architectural objective or purpose;
 - b. The standard creates a practical difficulty; or
 - c. Proposed building facades, roofs, materials and colors are consistent with those within the immediately surrounding area.

(Ord. No. 26, § 16.23, 9-13-1990)

Secs. 40-822—40-850. Reserved.

DIVISION 7. SAFETY PATH

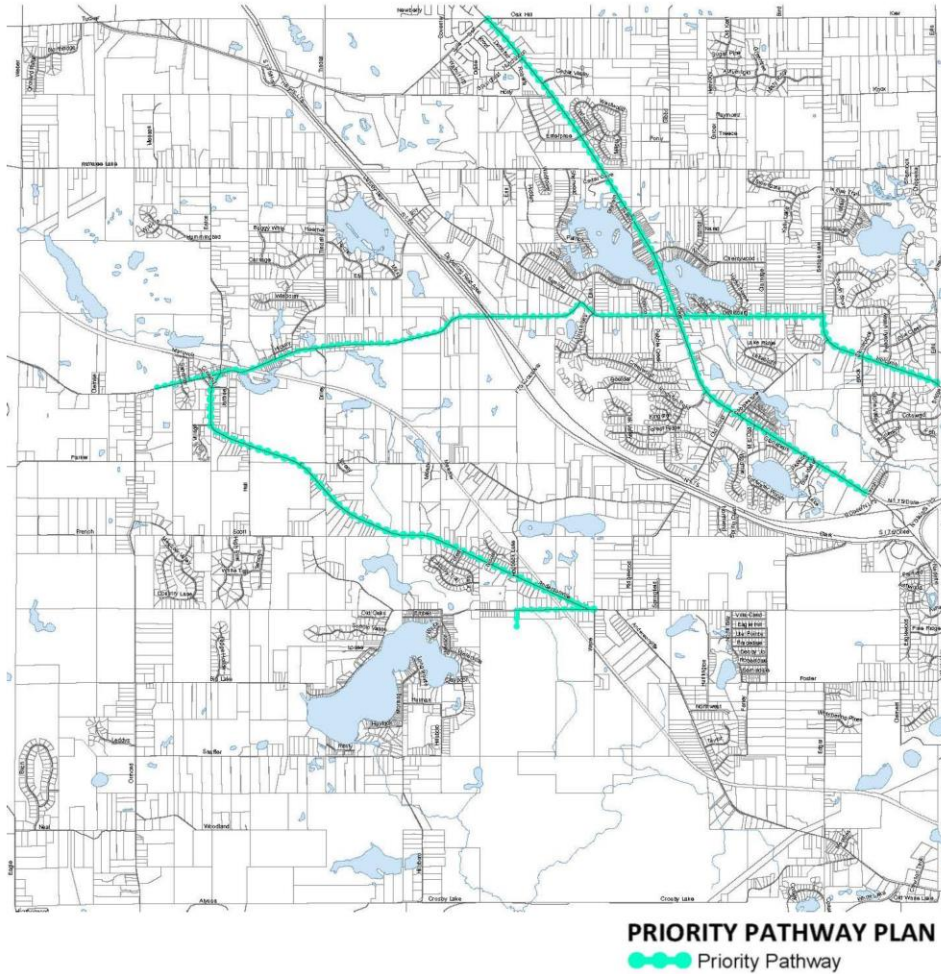
Sec. 40-851. Pathways

- (a) *Purpose and intent.* It is the purpose of this section to require the installation of non-motorized pedestrian pathways in accordance with the priority pathway plan found at the end of this section 40-851 and consistent with the goals and policies of the Springfield Township Master Plan. Priority pathways connect destinations within the township, connect the township's paths to existing and proposed regional paths, and provide the township's residents with pathways along the most travelled corridors in the community.

Further, it is the intent of this section to support a healthy lifestyle, strengthen the township's social connections, and to provide greater access to nearby destinations by the provision of a planned system of non-motorized paths.

- (b) *Priority pathway standards.* For any development requiring site plan or subdivision approval, the following regulations shall apply if the development is located on or adjacent to a proposed priority pathway as shown on the priority pathway plan at the end of this section 40-851:
- (1) All plans submitted to the township for review shall include a plan and specifications for a pathway in accordance with this section and the township's design and construction standards.
 - (2) The pathway shall be constructed on the subject property within an easement adjacent to the right-of-way or other location as determined by the township pursuant to subsection (b)(3) below. The developer shall grant the easement to the township and said easement shall be shown on the site plan and be recorded with the Oakland County Register of Deeds by the developer prior to the issuance of a certificate of occupancy. Upon the request of the developer and permit from the county road commission, the pathway may be constructed within the right-of-way.
 - (3) Where unique or peculiar circumstances are present, such as extreme topography, mature trees and/or wetlands, the township shall be authorized to vary the location of the pathway so as to minimize or avoid a safety hazard and/or adverse impact upon natural features.
 - (4) The pathway shall be constructed as part of the site improvements of the development. The construction of the pathway may be deferred only upon the posting of security to ensure completion by the developer, pursuant to section 40-35, performance guarantees.

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- (5) Upon request of the developer, construction of the pathway on the subject property may be waived by the township if the township determines, in its sole discretion, that a pathway, if constructed, would not connect to any other pathway and would not likely be connected for at least ten years. Approval to waive construction of a pathway is conditioned on all of the following:
- a. The developer shall pay a sum equal to the cost of constructing the pathway, as determined by the township. The township shall deposit the payment into a pathways fund to be used exclusively to construct pathways in locations as determined by the township in accordance with the priority pathway plan. It is the intent of the township to eventually benefit each property paying into the fund with a pathway.
 - b. The developer shall grant an easement to the township of acceptable size and location to allow for construction of a pathway in the future. Said easement shall be shown on the site plan and shall be recorded with the Oakland County Register of Deeds by the developer prior to the issuance of a certificate of occupancy.
 - c. Once an easement is recorded and funds are deposited into the township's pathways fund, the owner(s) of the subject property shall not be obligated to participate in the future construction or development of a pedestrian pathway on the subject property in the location waived. This release of obligation does not apply to a township-wide assessment of a millage or bond for the general purpose of constructing and/or maintaining pathways.
- (c) *Requirement for areas not designated on priority pathway plan.* For any development requiring a site plan or subdivision approval not located on or adjacent to a proposed pathway shown on the priority pathway plan, the developer shall grant an easement to the township pursuant to (b)(5)b. of this section.



(Ord. No. 26, § 16.25, 9-13-1990; Ord. No. 2018(4), § 1, 8-9-2018)

Editor's note(s)—Ord. No. 2018(4), § 1, adopted Aug. 9, 2018, amended § 40-851 and in so doing changed the title of said section from "Safety paths" to "Pathways," as set out herein.

Secs. 40-852—40-880. Reserved.

ARTICLE VI. ENVIRONMENTAL PERFORMANCE STANDARDS⁷

Sec. 40-881. Purpose.

No use, otherwise allowed, shall be permitted within any district which does not conform to the standards of use, occupancy, and operation in this article, which standards are hereby established as the minimum requirements to be maintained within said area.

⁷State law reference(s)—Natural resources and environmental protection act, MCL 324.101 et seq.

(Ord. No. 26, § 17.01, 9-13-1990)

Sec. 40-882. Airborne emissions.

- (a) *Smoke and air contaminants.* It shall be unlawful for any person, firm or corporation to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Natural Resources and Environment according to part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.). There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health, or safety of persons or which cause injury or damage to business or property.
- (b) *Odors.* Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. This requirement is not intended to interfere with the operation of a farm, as defined by this chapter, which is lawful pursuant to the Michigan Right to Farm Act, as amended.

(Ord. No. 26, § 17.02, 9-13-1990)

State law reference(s)—Air pollution control, MCL 324.5501 et seq.

Sec. 40-883. Noise.

- (a) *Purpose.* Noise has the potential to create environments that can be harmful to the health and welfare of the people living and working in Springfield Charter Township. The purpose of this noise ordinance is to protect the health and welfare of the people who live and work in Springfield Charter Township with defined standards that can be readily implemented and enforced. This standard also sets expectations for the quality of the township environment as it continues to develop.
- (b) *Noise prohibited.*
 - (1) It is unlawful to produce noise that exceeds the corresponding limits provided in Table 1 and Table 2 at or within the boundary of any receiving property when measured outdoors.
 - (2) Sound shall not be measured within an easement area or right-of-way.
 - (3) Noise containing prominent tones shall be limited to a level 5 dB lower than the limits of Table 1 and Table 2.
 - (4) At locations and time periods where traffic noise exceeds the limits of Table 1 and Table 2, the average traffic sound level over a period of at least 15 minutes shall establish the noise limit.
 - (5) Table 1 - Noise level limits [A-weighted].

A-weighted Overall Sound Level Limits - dB(A)			
Receiving Land Use	(7AM-7PM)	(7PM-10PM)	(10PM-7AM)
Residential, Recreational, Institutional	60	55	50
Commercial, Office	65	65	60
Industrial	75	75	75

- (6) Table 2 - Noise level limits [C-weighted].

C-weighted Overall Sound Level Limits - dB(C)

Receiving Land Use	(7AM-7PM)	(7PM-10PM)	(10PM-7AM)
Residential, Recreational, Institutional	70	65	60
Commercial, Office	75	75	70
Industrial	85	85	85

- (7) Sound levels shall be measured with instrumentation having the following criteria:
- a. Precision of Type 2 or better according to ANSI S1.4.
 - b. Accurate calibration immediately before and after the measurements.
 - c. Measurement set at fast meter response.
 - d. Using manufacturer approved windscreen.
 - e. Microphone position at an elevation of five to seven feet above the ground or surface normally occupied, such as a deck or patio.
 - f. Microphone positioned away from the influence of sound reflecting surfaces.
 - g. Not improperly influenced by atmospheric conditions such as wind and rain.
- (c) *Additional noise prohibited.*
- (1) Construction, earth moving, land balancing, clearing or other similar land development activities shall be restricted to the hours between 7:00 a.m. and 8:00 p.m., Monday through Saturday and prohibited on Sunday and legal holidays. Farming activities and customary repairs and maintenance associated with individual dwellings shall be exempt from this requirement.
 - (2) Live or reproduced music, whether indoors or outdoors, must comply with the limits of Table 1 and Table 2 and must be inaudible between the hours of 10:00 p.m. and 7:00 a.m. beyond the property boundaries from which it is played.
 - (3) Idling vehicles for periods of time longer than 15 minutes is prohibited except in cases of emergency or vehicle repair.
 - (4) All internal combustion engines shall employ exhaust muffling consistent with manufacturer's specifications.
 - (5) Use of outdoor commercial and industrial truck loading spaces within 200 feet of a residential district shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
- (d) *Exemptions.* The following activities are exempt from the noise ordinance:
- (1) Emergency warning devices such as the emergency alert system, inclement weather warning, emergency response vehicles and related equipment used solely for public purposes.
 - (2) Equipment or machinery used for an emergency response where the preservation of life or property is needed. This includes the use of residential and commercial generators for temporary use during emergency power outages.
 - (3) Equipment which is maintained in conditions according to manufacturer specifications and is used for normal home and property maintenance, operated between the hours of 7:00 a.m. and 9:00 p.m.
 - (4) Snow removal and parking lot maintenance.
 - (5) Agricultural practices permitted by the zoning ordinance.
 - (6) Community and civic events approved pursuant to section 40-645 of the zoning ordinance.

(Ord. No. 26, § 17.03, 9-13-1990; Ord. No. 2016(5), § 1.2, 8-11-2016)

Sec. 40-884. Vibration.

- (a) *Purpose.* Vibration can be disruptive and harmful to the health and welfare of the people living and working in Springfield Charter Township. The purpose of this vibration ordinance is to protect the health and welfare of the people who live and work in Springfield Charter Township with defined standards that can be enforced. This standard also sets expectations for the quality of the township environment as it continues to develop.
- (b) *Vibration measurements requirements.*
 - (1) Vibration measurements of the ground shall have the vibration transducer mounted on rigid element such as a steel pipe or column that extends a minimum of one foot into the ground but no more than eight feet.
 - (2) Vibrations measurements can also be conducted on foundation walls provided the foundation is a monolithic structure at least eight inches thick and extending at least 42 inches below the surface of the adjacent ground and no vibration from the supported building or structure is entering the foundation.
 - (3) The source of the vibration should be identified by measurements with and without the source operating or at multiple distances away from the source showing a corresponding shift in magnitude or by narrow band frequency correlation.
- (c) *Vibration prohibited.*
 - (1) No use shall generate any ground transmitted vibration in excess of the limits set forth in Table 1 below. Vibration shall be measured at or within the boundary of the receiving property. (Vibration shall not be measured within an active easement area or right-of-way.)
 - (2) The instrument used to measure vibrations shall be a three-compartment measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
 - (3) The vibration maximums set forth in Table 1 are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency or acceleration and frequency. When computed, the following formula shall be used:

$PV = 6.28 FV \times D$, or $PV = A/(6.28 \times FV)$
Where:
PV = Particle velocity, inches per second (alternately meters per second)
FV = Vibration frequency, cycles per second
D = displacement of the vibration, inches
A = acceleration of the vibration, inches per second squared
The maximum velocity shall be the vector sum of the three components recorded.

(4) Table 1 - Limits for Continuous Vibration at Receiving Property Use.

Continuous Vibration Velocity Limits - inches per second				
Frequency (1/3-oct.)	Residential, Institutional		Commercial, Office	Industrial
	Day/Evening	Night	All Time	All Time
Hz				

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(Supp. No. 8)

1	0.068	0.034	0.113	0.181
1.25	0.054	0.027	0.090	0.144
1.6	0.042	0.021	0.071	0.113
2	0.034	0.017	0.056	0.090
2.5	0.028	0.014	0.047	0.075
3.15	0.023	0.012	0.039	0.062
4	0.019	0.010	0.032	0.051
5	0.016	0.008	0.027	0.043
6.3	0.014	0.007	0.023	0.037
8 +	0.012	0.006	0.020	0.031

- (5) Transient vibrations are limited to twice that of the limits provided in Table 1 of subsection (4) above.
- (6) Vibration containing both continuous and transient elements will be treated as continuous.
- (7) Temporary construction activities on public or private property not lasting longer than 14 days may exceed the vibration limits of Table 1 above between the hours of 7:00 a.m. and 9:00 p.m. subject to township permit though may not exceed the vibration limits provided in Table 2 below.
- (8) Table 2 - Limits for Temporary Construction Activity Vibration at Receiving Land Use.

Construction Vibration Velocity Limits, All Zones - inches per second		
1/3-oct. Hz	All Receiving Uses	Historical Buildings and Sensitive Structures
1 to 10	0.2	0.12
12.5 to 40	0.3	0.18
50 to 100	0.5	0.3

(Ord. No. 26, § 17.04, 9-13-1990; Ord. No. 2016(6), § 1.2, 8-11-2016)

Sec. 40-885. Waste disposal.

All solid, liquid, and sanitary wastes shall be treated and disposed in accordance with the standards of the county health department and the state department of natural resources and environment. Treatment or disposal of waste shall not create a hazard or nuisance to neighboring uses.

(Ord. No. 26, § 17.05, 9-13-1990)

State law reference(s)—Pollution control, MCL 324.3101 et seq.

Sec. 40-886. Outdoor storage.

For those uses requiring site plan review, the outdoor storage of goods, materials, and equipment, except trucks operated by the principal business, shall be subject to the following conditions:

- (1) The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under section 40-136, site plan review.
- (2) Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side or rear yard.

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- (3) Such storage shall not be located in any required parking or loading space.
 - (4) Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under this subsection. Such storage shall not be permitted as a principal use of a lot.
 - (5) The area for such storage shall be screened from view on all sides in a manner as approved during the site review process.
 - (6) No material or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
 - (7) All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

(Ord. No. 26, § 17.06, 9-13-1990)

Sec. 40-887. Electrical disturbance, electromagnetic, or radio frequency interference.

- (a) No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
- (b) No use shall cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

(Ord. No. 26, § 17.07, 9-13-1990)

Sec. 40-888. Exterior lighting.

- (a) *Intent.* The intent of this section is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this section provides standards for various forms of lighting that will:
 - (1) Minimize light pollution;
 - (2) Maintain safe nighttime driver performance on public roadways;
 - (3) Reserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow";
 - (4) Reduce light pollution and light trespass from light sources onto adjacent properties;
 - (5) Conserve electrical energy;
 - (6) Curtail the degradation of the nighttime visual environment.
- (b) *Applicability.* The requirements of this section shall apply to any light source that is visible from any property line, or beyond, the site from which the light is emanating. The township may review any building or site to determine compliance with the requirements under this section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signs, special land use approval, or site plan approval, the applicant shall submit sufficient information to enable the township and/or planning commission to determine whether the proposed lighting will comply with this section.

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- (c) *Exterior lighting—General conditions.* Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complex common areas, shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

Full cutoff shades are required for light sources to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be directed so that it does not cause glare for motorists.

- (d) *Prohibited.* The following types of lighting shall be prohibited.

- (1) Searchlights.
- (2) Laser source.
- (3) Animated lighting.
- (4) Building-mounted or roof-mounted lighting intended to attract attention to the building.

- (e) *Exterior lighting—Specific conditions.* The purpose of this section is to provide regulations to direct the location, design, illumination level and use of outdoor lighting to minimize its undesirable effects and to meet the intent of this section.

- (1) Intensity. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 footcandle along property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed 0.3 footcandle along property lines. The light intensity provided at ground level shall be a minimum of 0.3 footcandle anywhere in the area to be illuminated. Light intensity shall average a minimum of 0.5 footcandle over the entire illuminated area, measured at ground level, not to exceed a maximum of ten footcandles in any given illuminated area. The body making the final decision, as recommended by the planning commission may allow for an increased level of lighting above maximum permissible levels when it can be demonstrated that such lighting is necessary for safety and security purposes.
- (2) Uniformity ratios. In order to maintain uniformity in light levels across a development and prevent or minimize dark areas, the ratio of maximum to minimum lighting levels on a given lot is measured in footcandles at ground level, and shall not exceed a ratio of 15 to one (15:1). Parking lots shall maintain the same uniformity ratios as the main building or principal use served.
- (3) Height. Except as otherwise required, the mounting height of fixtures shall not exceed the following.
 - a. Twenty-two feet, including base, for parking lots adjacent to property used or zoned for residential purposes.
 - b. Twenty-seven feet including base, for parking lots adjacent to property zoned for nonresidential use.
 - c. Where a local or primary road, except Dixie Highway, separates a site proposed to be illuminated from property zoned or used for residential use, the lighting fixture shall not exceed 22 feet. Where Dixie Highway separates a site to be illuminated from property zoned or used for residential use, the lighting fixture shall not exceed 27 feet.
 - d. Fourteen feet including base for sidewalks and pathways. (Pedestrian lighting.)
- (4) Hour.
 - a. All outdoor lighting fixtures shall be turned off one-half hour after the close of business, unless needed for safety and security as noted below. In such case, the lighting shall be reduced to the minimum level necessary for that purpose.

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- b. Lighting required for safety and security as approved by the planning commission may be turned on daily from one-half hour after sunset to one-half hour before sunrise. Safety and security lighting shall be no more than 50 percent of the approved lighting intensity approved as part of the site plan.

All safety and security lighting shall be reviewed and approved by the planning commission as a part of the site plan review process.

(5) Fixtures:

- a. All outdoor fixtures, including building mounted fixtures, shall be full cut-off, shielded fixtures and directed downward to prevent off-site glare and illumination.
- b. Poles for lighting fixtures shall be of a fixed height. Adjustable poles are prohibited.

(6) Lighting plan: The following information shall be included for all site plan reviews. Where site plan review is not required, one or more of the following items may be required by the township zoning administrator prior to lighting installation.

- a. A site plan drawn to scale of one inch equaling not more than 100 feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting.
- b. A photometric grid overlaid on the proposed site plan.
- c. Analyses showing that the proposed installation conforms to the lighting level standards in this section. A photometric plan shall indicate lighting levels at ground level based on no greater than a 25 foot on center grid and shall project 25 feet onto adjacent properties or to the setback limit line, whichever is greater.

(7) Light-emitting diode (LED): The improved energy efficiency of LED, coupled with modern lighting design, allows for reduced demand on electricity, better control over the color content and extremely longer life. LED sources can be dimmed and are instantly at full brightness when turned on. Lighting with lower color temperatures has less blue in its spectrum and is referred to as being "warm." Higher color temperature sources of light are rich in blue light. It is required that only warm light sources be used for outdoor lighting. Low-color-temperature LEDs are preferred choices.

- a. A warm to neutral light is the required color temperature. LED correlated color tempering (CCT) should be in the range of 2,700—4,000 kelvin (K). Color rendering index (CRI) shall be greater than 70.
- b. Blue rich white light sources over 4,000 kelvin (K) are prohibited.

(8) Entrance lighting: One lighting structure may be provided on each side of an entrance or exit drive or street at its intersection with the public road, except where a boulevard or divided entrance/exit drive is proposed. One lighting structure may be provided in the boulevard or island areas for the purpose of illuminating the intersection.

(f) *Retrofitting existing lighting fixtures.* The above sections shall be followed when retrofitting existing fixtures.

(Ord. No. 26, § 17.08, 9-13-1990; Ord. No. 2020(2) , § 2, 8-13-2020)

Sec. 40-889. Community sewer systems.

- (a) Any development in which a community sewer system is proposed shall comply with article III of chapter 36 and all other applicable county and state laws and regulations.

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- (b) Any development in which a community sewer system is proposed where said system has a daily maximum discharge in excess of 10,000 gallons per day shall be allowed in any zoning district, and require special land use approval pursuant to the other applicable provisions of this chapter.
 - (c) Any development in which a community sewer system is proposed where said system has a daily maximum discharge less than 10,000 gallons per day shall be permitted of right in any zoning district.

(Ord. No. 26, § 17.09, 9-13-1990)

State law reference(s)—Sewage disposal and waterworks systems, MCL 324.4101 et seq.

Sec. 40-890. Hazardous substances.

Use, storage and handling of hazardous substance; storage and disposal of solid, liquid and sanitary wastes shall comply with the following:

- (1) It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- (2) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall complete and file an environmental permits checklist on a form supplied by the township in conjunction with the following:
 - a. Upon submission of a site plan;
 - b. Upon any change of use or occupancy of a structure or premises; and
 - c. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
- (3) Prior to township approval of the business or expansion which uses, stores or generates hazardous substances, the environmental permits checklist shall be reviewed by the township fire department for comment. In addition to fire department review the township may elect, at the applicant's cost, to use an independent consultant to review the environmental permits checklist. The independent consultant's review shall determine the effects of the proposal on the local environment. All business and facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (per the environmental permits checklist) shall comply with the following standards:
 - a. Aboveground storage.
 - 1. Hazardous substances shall be stored only in product-tight containers.
 - 2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - 3. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism through secondary containment. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
 - 4. State and federal agency requirements for storage, leak detection, recording keeping, spill prevention, emergency response, transport and disposal shall be met.

b. Underground storage.

1. State and federal agency requirements for storage, leak detection, recording keeping, spill prevention, emergency response, transport and disposal shall be met.

(Ord. No. 26, § 17.10, 9-13-1990)

State law reference(s)—Hazardous materials transportation act, MCL 29.471 et seq.; hazardous substances act, MCL 286.451 et seq.; hazardous waste management, MCL 324.11101 et seq.

Sec. 40-891. Stormwater management; impervious surface mitigation.

- (a) *Purpose and intent.* It is the intent of this section to encourage the use of structural, vegetative, or managerial practices, commonly referred to as best management practices (BMPs), designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff. All development projects subject to review under the requirements of this chapter shall be designed, constructed, and maintained using best management practices to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands, and watercourses on the site to the maximum extent feasible.
- (b) *Stormwater drainage/erosion control.* All stormwater drainage and erosion control plans shall meet the standards adopted by the township for design and construction and shall, to the maximum extent feasible, utilize nonstructural control techniques, including but not limited to:
 - (1) Limitation of land disturbance and grading;
 - (2) Maintenance of vegetated buffers and natural vegetation;
 - (3) Minimization of impervious surfaces
 - (4) Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales;
 - (5) Use of infiltration devices.
- (c) *General standards.*
 - (1) Stormwater management systems shall be designed to prevent flooding and the degradation of water quality related to stormwater runoff and soil erosion from proposed development.
 - (2) All properties which are subject to this section shall provide for on-site storage of stormwater. Facilities shall be designed to provide a volume of storage and discharge rate which meets the standards of the township.
 - (3) Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners.
 - (4) The use of swales and buffer strips vegetated with desirable native materials is encouraged as a method of stormwater conveyance so as to decrease runoff velocity, allow for biofiltration, allow suspended sediment particles to settle, and to remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals, and salts, shall be required in determining appropriate plantings in these areas.
 - (5) Drainage systems shall be designed to be visually attractive. The integration of stormwater conveyance systems and retention and detention ponds in the overall landscape concept is recommended. Ponds with a naturally contoured, rather than square or rectangular, design and appearance shall be encouraged.

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(Supp. No. 8)

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- (6) Where large amounts of grease and oil may accumulate, as in the case of commercial/industrial developments and large areas of pervious surfaces for parking, oil separators shall be required.
 - (7) For sites that store or use chemicals, a spill response plan shall be submitted and approved by the township.
- (d) *Use of wetlands.* Wetlands may be used for stormwater management if all the following conditions are met:
- (1) Wetlands shall be protected from impairment due to the discharges of stormwater. Measures shall be taken to reduce erosive velocities of stormwater and to remove sediment and other pollutants prior to discharge to a wetland.
 - (2) Wildlife, fish or other beneficial aquatic organisms and their habitat within the wetland will not be impaired.
 - (3) The wetland has sufficient holding capacity for stormwater, based upon calculations prepared by the proprietor and reviewed and approved by the township.
 - (4) On-site erosion control shall be provided to protect the natural functioning of the wetland.
 - (5) Provisions approved by the township shall be established so as to ensure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
 - (6) Applicable permits from the state department of natural resources and environment are obtained.
- (e) *Impervious surface reduction/infiltration enhancement.*
- (1) The township recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving and stormwater runoff and a waste of space which could be left as open space.
 - (2) Either through procedures prescribed by ordinance or creative land development techniques permitted by ordinance, the township may permit, during the site plan review process, deviations from requirements allowing for reduction in impervious surfaces whenever it finds that such deviations are more likely to meet the intent and standards of this section and accommodate the specific characteristics of the use in question.
 - (3) The township may attach conditions to the approval of a deviation that bind such approval to the specific use in question. Measures that reduce impervious surface and increase infiltration may include, but are not limited to, the following:
 - a. *Streets and access.*
 - 1. The designing of residential streets with the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access and function based on traffic volumes.
 - 2. The reduction of the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.
 - 3. The designing of street right-of-way widths/private road easements to reflect the minimum required to accommodate the travelway, the sidewalk, and vegetated open channels.
 - 4. The minimizing of the number of street cul-de-sacs and reduce the radius of cul-de-sacs to the minimum required to accommodate emergency and maintenance vehicles. Alternative turnarounds shall be considered, including the use of mountable curbing and grass shoulders for the occasional event of access by fire trucks and other large commercial trucks. Where cul-de-sacs do exist, provide landscape center islands.

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5. Where density, topography, soils, and slope permit, the use of vegetated open channels in the street right-of-way/private road easements to convey and treat stormwater runoff.
 6. The use of alternative driveway surfaces and shared driveways that connect two or more sites.
 7. Promoting more flexible design standards for residential subdivision sidewalks. Where practical, consider locating sidewalks on only one side of the street and providing common walkways linking pedestrian areas.
- b. *Parking.*
1. Base the parking requirements on the specific characteristics of the use, landbanking in open space parking required to satisfy chapter requirements.
 2. Reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in the spillover parking areas where possible.
 3. Encourage shared parking between compatible users.
- c. *Site design.*
1. Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas and avoid routing rooftop runoff to the roadway and the stormwater conveyance system.
 2. Create naturally vegetated buffer systems, which may vary in width as determined by the township, along all drainageways. Critical environmental features such as the 100-year floodplain, steep slopes, and wetlands shall be considered.
 3. Minimize clearing and grading of woodlands and native vegetation to the minimum amount needed to build lots, allow access, and provide fire protection.
 4. Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants.
- (f) *Maintenance.* Whenever a landowner is required to provide on-site stormwater retention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide assurance to the township that the landowner will bear the responsibility and cost of providing and maintaining such methods or facilities, by written agreement, suitable for recording at the office of the county register of deeds, that will act as a perpetual restriction on the land, the form and content of which shall be approved by the township attorney. A maintenance plan shall be provided, including notation and description of maintenance requirements and timelines.

(Ord. No. 26, § 17.11, 9-13-1990)

State law reference(s)—Soil erosion and sedimentation control, MCL 324.9101 et seq.; soil conservation districts law, MCL 324.9301 et seq.; wetlands protection, MCL 324.30301 et seq.

Sec. 40-892. Resource protection overlay district.

- (a) *Purpose.* The purpose of this section is to ensure that property is developed in a manner which is consistent with its zoning designation, meets the goals and objectives of the township master plan and the proposed physical elements are designed and arranged to protect priority resource protection areas identified by the township, both on the site and in the vicinity of the site. The overlay district establishes procedures to enable

the applicant and township to achieve the mutually compatible objectives of reasonable use of land and protection of vital natural resources.

(b) *Applicability.*

- (1) The township has identified areas to be protected on a priority resource protection map found at the end of this section 40-892. The areas protected by this overlay district are a result of studies conducted by the state natural features inventory as part of the Shiawassee and Huron Headwaters Resource Preservation Project, prepared in March 2000. The specific boundaries of each of the areas to be protected shall be further refined by more detailed information supplied by the applicant and confirmed by the township board.
- (2) To the maximum extent feasible, any plan submitted in accordance with section 40-136 or the township subdivision control in article III of chapter 18 which includes areas identified to be protected on the priority resource protection map, shall be subject to the requirements of this section and designed and arranged to ensure that disturbance to any priority resource protection area as a result of the development, and that impacts and disturbance to such areas and the plants and wildlife inhabiting those areas, shall be minimized through the use of natural resource buffers, conservation easements and creative land development techniques.

(c) *Ecological characterization.* It is intended that these ordinance requirements be applied based upon reliable and factual data and information contained in the Shiawassee and Huron Headwaters Resource Preservation Project. Applicants are encouraged to consult the state natural features inventory data base. If a development site includes areas which have been identified on the priority resource protection map and if the township does not then possess the information required to apply review standards, then the developer shall provide to the township a report prepared by a professional or professionals qualified in the areas of ecology, botany, wildlife biology or other relevant discipline that describes, without limitation, the following:

- (1) The wildlife use and habitat showing the species of wildlife using the area, wildlife movement corridors, the times or seasons that the area is used by those species and the value (meaning feeding, watering, cover, nesting, roosting, and/or perching) that the area provides for such wildlife species;
- (2) The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
- (3) Any prominent views from or across the site;
- (4) The pattern, species and location of any significant native trees and other native site vegetation;
- (5) The bank, shoreline and ordinary high-water mark of any inland lake or stream on the site; and
- (6) The general ecological functions provided by the site and its features.

The township may employ their own consultants with the relevant expertise to review materials submitted by the applicant.

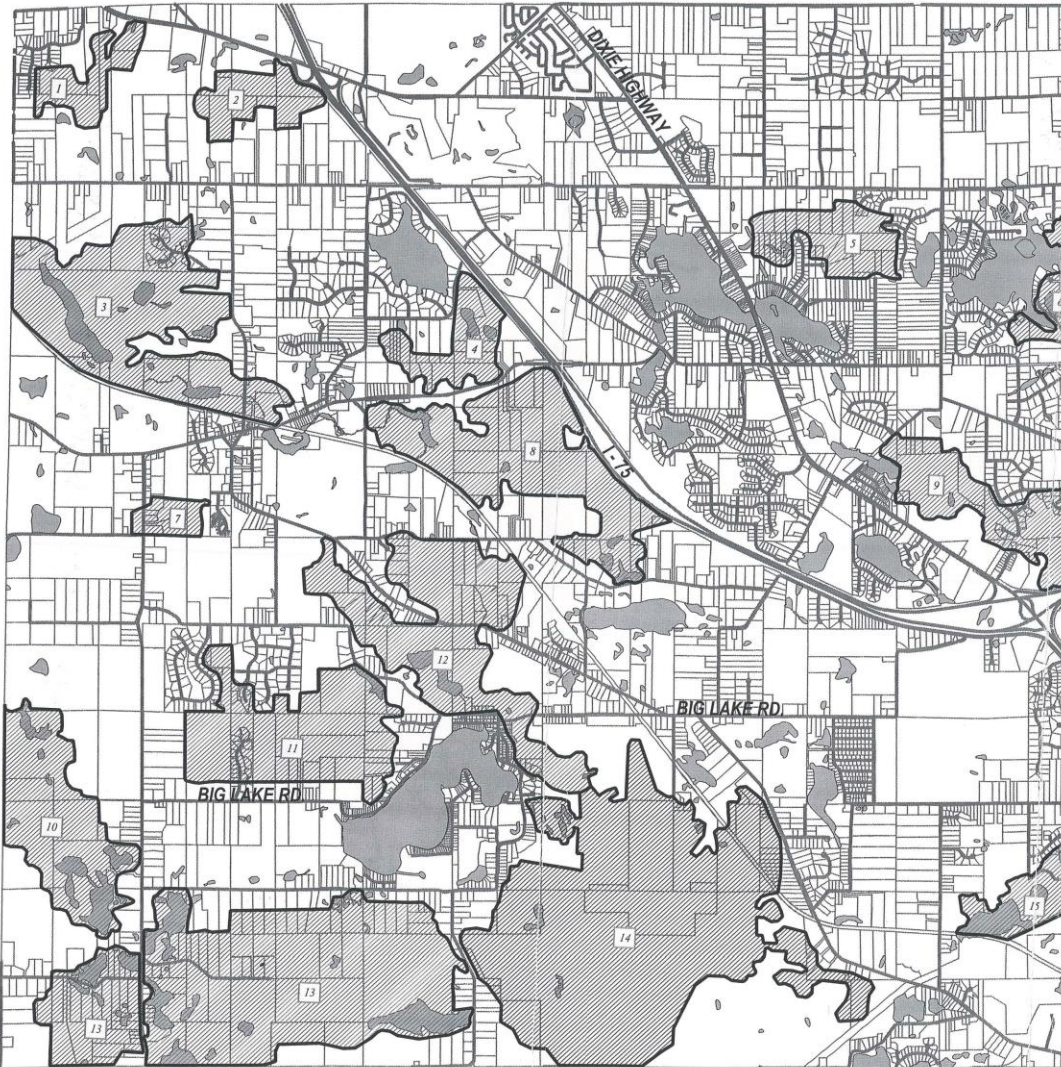
(d) *Establishment of priority protection.*

- (1) For every development subject to this section, the applicant shall propose, subject to review and approval by the responsible township body, areas of priority protection illustrated on the site plan or subdivision plat. The site plan or subdivision plat shall establish the development capability of the site and indicate the specific area of a site which may be developed and specific areas to be preserved.
- (2) In establishing the development capability of the site, the following shall be taken into account:
 - a. Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views.
 - b. Erosion prevention and control, and natural drainage.

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- c. Preservation of significant native trees and other native site vegetation, including protection of natural resource buffer zones.
 - d. Conservation of water, including increasing infiltration and recharge of groundwater.
 - e. Stream corridor and wetland protection and buffering.
 - f. Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage patterns, ridgelines and scenic topographic features.
 - g. Floodplains and floodways.
 - h. Wildlife habitat and wildlife movement corridors.
 - i. Natural resource buffer zones as delineated in subsection (b)(3) of this section.
 - j. The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.
 - k. Hydrology and groundwater flow.
- (e) *Development standards and guidelines.*
- (1) *Priority protection areas.* To the maximum extent feasible, no construction activity, including, without limitation, tree or brush removal, grading, excavation or stockpiling of fill material shall be permitted within priority protection areas except as follows:
 - a. Mitigation or restoration of disturbed or degraded areas;
 - b. Emergency public safety activities;
 - c. Utility installations when such activities and installations shown on a plan approved by the township cannot reasonably be contained to areas outside of those identified as significant;
 - d. Construction of trails or pedestrian walkways in an environmentally appropriate manner;
 - e. The enhancement of the habitat values and/or other natural resource values of a natural area.
 - (2) *Establishment of natural resource buffer zones.* Natural resource buffer zones shall be established adjacent to natural features/ecosystems intended for preservation within areas of priority protection. Such buffers shall be a minimum of 25 feet in width. The township body responsible for approval may decrease the buffer zone below the 25-foot requirement where it can be demonstrated that other means are available to provide the equivalent protection. In establishing the width of the buffer zone, the township body responsible for approval shall consider the foreseeable impacts of development on the ecological character or function of the natural feature/ecosystem to be preserved and the following:
 - a. Wildlife habitat, movement corridors and use characterization of the priority protection area.
 - b. Extent of floodplains, floodways, wetlands and watercourses.
 - c. Type, amount and extent of existing vegetation on the site.
 - d. Character of the proposed development in terms of use, density, traffic generation, quality of runoff water, noise, lighting and similar potential development impacts, on the priority protection area being buffered.
 - e. Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage patterns, ridgelines and scenic topographic features.
 - (3) *Mitigation of disturbance.* The applicant shall undertake mitigation measures for any damaged or lost natural resource in priority protection areas resulting from or caused by the development activity of

the applicant. Any such mitigation or restoration shall be roughly equivalent to the loss suffered by the community because of the disturbance, and shall be based on such mitigation and restoration plans and reports as have been requested, reviewed and approved by the responsible township body.

- (4) *Relationship to neighboring areas.* If the development site contains priority protection areas that connect to other areas of a similar nature, to the extent reasonably feasible, such connections shall be preserved. If priority protection areas lie adjacent to the development site, but are not presently connected across the development site, a connection shall be provided to the extent reasonably feasible. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife.
- (5) *Inland lakes or streams.* If the development site contains an inland lake or stream, the development plan shall include such enhancements and restoration as are necessary to provide reasonable wildlife habitat and aesthetic quality in areas of shoreline transition and areas subject to erosion. The development plan shall include a design that requires uniform and ecologically and aesthetically compatible treatment among the lots or tracts surrounding an inland lake or stream with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts.
- (6) *Design and aesthetics.* Projects which are subject to this section shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area.
- (7) *Consultation with neighboring jurisdiction.* Certain areas designated for priority resource protection may either cross or abut jurisdictional boundaries. Upon receiving an application for a project located within the resource protection overlay district, the township clerk shall notify the clerk of the neighboring jurisdiction of the receipt of such application and provide a set of plans for review and comment.



Legend

- 1 Weber Road
- 2 Holly Road
- 3 Long Lake
- 4 Eliza Lake
- 5 Radio Tower Woods
- 6 Waumegah
- 7 Davisburg Woods
- 8 I-75 Woods
- 9 Bridge Valley
- 10 Eagle Road
- 11 Big Lake Woods
- 12 Shiawassee Lake
- 13 Schmitt Lake
- 14 Huron Swamp
- 15 Huckleberry Lake Bog

Springfield Township Priority Resource Protection Map 12-17-02

(Ord. No. 26, § 17.12, 9-13-1990)

State law reference(s)—Natural resources management, MCL 324.30101 et seq.

Sec. 40-893. Glare.

- (a) Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- (b) Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed onto any adjacent property so as to become a nuisance.

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- (c) 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.

(Ord. No. 2020(2) , § 3, 8-13-2020)

Secs. 40-894—40-930. Reserved.

**ARTICLE VII. NONCONFORMING USES OF LAND; NONCONFORMING
STRUCTURES; NONCONFORMING USES OF STRUCTURES AND PREMISES**

Sec. 40-931. Nonconforming uses of land; nonconforming structures; nonconforming uses of structures and premises.

- (a) *Intent.* It is the intent of this section to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival.
- (1) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures and uses of land and structures which were lawful before the ordinance from which this chapter is derived was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments.
- (2) Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the ordinance from which this chapter is derived by attachment on a building or premises of additional signs intended to be seen off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- (3) To avoid undue hardship, nothing in this section shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to 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. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
- (b) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of the ordinance from which this chapter is derived, lawful use of land exists that is no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at said effective date.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at said effective date.

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- (3) If such nonconforming use of land ceases for any reason for a period of more than 180 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (c) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) No such structures may be enlarged or altered in a way which increases its nonconformity.
 - (2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (d) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived, that would not be allowed in the district under the terms of this chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
 - (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building;
 - (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the zoning board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the zoning board of appeals may require appropriate conditions and safeguards in accordance with the purpose and intent of this chapter;
 - (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed;
 - (5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six consecutive months or for 12 months during any three-year period, or otherwise sooner abandoned, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision;
 - (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (e) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or

amendment of the ordinance from which this chapter is derived shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- (f) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted as provided in this section shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.
- (g) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.
- (h) *Nonconforming lots of record.* When the owner of a nonconforming lot of record does not own and cannot reasonably acquire sufficient abutting land to enable him to conform to the requirements of this chapter relating to minimum lot area, minimum lot width, or both, such lots of record may be used by such owner as building sites provided that all other requirements of this chapter are met, and provided that not more than one dwelling unit shall occupy any lot except in conformity with the provisions of this chapter for the required lot area of each dwelling unit.

(Ord. No. 26, § 16.01, 9-13-1990)

State law reference(s)—Nonconforming uses or structures, MCL 125.3208.

Sec. 40-932. Setbacks for nonconforming lots.

Where a lot is classified as a lawful, pre-existing nonconforming use and said lot cannot be developed for a proposed use by application of the setback requirements of section 40-572, a variance may be granted in accordance with this section.

- (1) As used in this section "official" shall mean the township zoning official or his/her designee.
- (2) The official may grant a variance and allow the reduced setbacks as allowed below provided he/she finds all the following:
 - a. A lot cannot be reasonably developed for a proposed use with strict compliance with the setback requirements of section 40-572.
 - b. A practical difficulty exists that was not created by the owner of the lot.
 - c. The variance granted is the minimum necessary for a reasonable use.
- (3) The following shall apply to any reduced setbacks allowed by this section:
 - a. The side yard setbacks may be reduced by the same percentage ratio as is determined by dividing the actual lot width of the lot by the required lot width for the applicable district. The minimum side yard setbacks permitted under this section shall be at least five feet with one side being at least ten feet. The minimum ten-foot side yard setback pursuant to this section shall be unobstructed for the purpose of service vehicle and emergency access.
 - b. The front and rear yard setbacks may be reduced for structures to the average front or rear yard setbacks of the three lots on either side of the subject lot, or not less than 70 percent of the required front or rear setback whichever is greater, and further subject to the following:
 - 1. In all cases the minimum front yard setback shall be 25 feet.
 - 2. If any of the lots used to calculate the average are vacant, that lot shall be deemed to have the minimum setback required by section 40-572.

3. Structures on lots or parcels which abut a water body shall meet the minimum ordinary high-water mark setback contained in section 40-639.

(4) The decision of the official may be appealed to the zoning board of appeals.

(Ord. No. 2018(6), § 1, 8-9-2018)