



CHAPTER 26

Charter Township of West Bloomfield Zoning Ordinance



Amended through June 19, 2019

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How to use this Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided into a standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located

Sections / Subsections contain the Ordinance regulations in a hierarchical manner

Blue bold font links to use requirements, additional specifications and standards in other sections of the Ordinance

📖 symbol indicates the term is defined in Article 2, Definitions*

Graphics, figures, and tables found throughout to illustrate a concept or clarify a regulation

The diagram illustrates the layout of the R-10 One-Family Residential ordinance page. It shows the following components:

- Section 3.1.1 R-10 One-Family Residential**: The main title and section identifier.
- A. INTENT**: A paragraph explaining the purpose of the residential districts.
- B. PRINCIPAL USES PERMITTED**: A list of permitted uses, including detached dwellings, farms, schools, daycares, accessory buildings, private stables, pools, decks, and home occupations.
- C. SPECIAL LAND USES**: A list of special uses, including places of worship, public facilities, cemeteries, child care centers, nursing homes, senior housing, assisted living, utility facilities, schools, parks, picnic grounds, swimming pools, community buildings, and bed and breakfast establishments.
- D. DEVELOPMENT STANDARDS**: A table of standards including Lot Size (10,000 sq ft), Lot Coverage (30% max), Setbacks (30 ft front, 35 ft rear, 8 ft combined side), Building Height (35 ft max), and Per Unit Living Area (840 sq ft for 1 story, 720 sq ft for 1.5 story, 600 sq ft for 2 story).
- Graphics**: A diagram showing a house with setbacks (30' Min, 35' Min, 8' Min) and a building envelope (35' Max height, 70' Min width).
- SUGGESTED REFERENCES**: A list of ordinance sections related to the standards, such as 3.3.5, 4.1, 5.1, 5.2, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50, 6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.57, 6.58, 6.59, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65, 6.66, 6.67, 6.68, 6.69, 6.70, 6.71, 6.72, 6.73, 6.74, 6.75, 6.76, 6.77, 6.78, 6.79, 6.80, 6.81, 6.82, 6.83, 6.84, 6.85, 6.86, 6.87, 6.88, 6.89, 6.90, 6.91, 6.92, 6.93, 6.94, 6.95, 6.96, 6.97, 6.98, 6.99, 6.100.
- Navigation Elements**: Numbered tabs (1-7) on the left and right sides, and a footer with page numbers 3-4, a logo, and the text 'Charter Township of West Bloomfield ©clearzoning'.

Pages are numbered sequentially.

Link to How to use this Ordinance

Notes provide relevant District Standard information recommended for the user's review

Link to Table of Contents

Link to Zoning Map

Suggested References list other sections or Ordinances that may pertain to a development in the district

* Not every defined term is designated with a 📖 symbol. Consult Article 2, Definitions, for a list of all defined terms.

How to use this Ordinance

2. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
 - ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
 - ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission, Township Board or Zoning Board of Appeals.
 - ☑ Article 2, Definitions, contains over 100 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
 - ☑ Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions and provisions or event apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read 'and/or')
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, and not in combination.
- 🖼 indicates there is a graphic that illustrates the standard or requirement.

Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By 'clicking' a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the 'previous view' button in Adobe Acrobat Reader.



If you do not see the 'previous view' button on your Adobe Acrobat Reader screen, you can add it by turning on your 'page navigation toolbar'. For assistance, refer to the 'Help' menu in your version of Acrobat Reader.

What information is linked?

All **blue text** is linked to another page within the Zoning Ordinance.

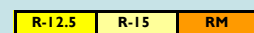
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



Article tabs located on the side of each page are linked to the Contents page of each Article.



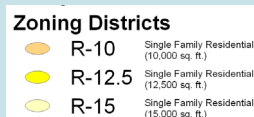
Icons located at the bottom of each page are linked to the 'How to Use This Ordinance' section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in Article 3.

How do I calculate height?

'How do I calculate height' button located on each district regulations page is linked to the definition of building height in Article 2.



Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.

How to use this Ordinance

3. USE MATRICES

Below is a reference table that summarizes the uses listed in the Ordinance. Uses are listed in Section 3.2, which should be consulted as certain conditions may apply. If there are any conflicts between this table and the uses listed in Section 3, the latter will control.

RESIDENTIAL DISTRICTS	R-10	R-12.5	R-15	RM
Apartment building				P
Bed and breakfast establishment	S	S	S	
Cemetery	S	S	S	
Child care center	S	S	S	
Community recreation center, community building, or social club (serving the nearby neighborhood)	S	S	S	
Elementary school, public or private/parochial (non-profit)	P	P	P	P
Family daycare home	P	P	P	P
Farm	P	P	P	P
Fire station	S	S	S	
Group daycare home	P	P	P	P
Home occupation	P	P	P	P
Intermediate schools, public or private/parochial (non-profit)	S	S	S	
Library, public	S	S	S	
Multiple dwelling building				P
Municipal office building	S	S	S	
Non-motorized pathways or trails	P	P	P	P
Nursing or convalescence home				
Park or parkway, public	S	S	S	
Park, private or similar private recreation area	S	S	S	
Place of Worship	S	S	S	
Police station	S	S	S	
Public utility facility serving the immediate vicinity	S	S	S	
Recreational facility (public)	S	S	S	
Senior assisted living facility				S
Senior Independent Living				P
Single-family detached dwelling	P	P	P	P
Stables, public	S	S	S	
Swimming pool club (private)	S	S	S	
Two-family dwellings/duplexes				P

P = Principal Use Permitted S= Special Land Use

How to use this Ordinance

COMMERCIAL DISTRICTS	B-1	B-2	B-3	B-4
Accessory alcoholic liquor licenses, establishments with	S	P	P	P
Accessory building or use ancillary to principal permitted use	P	P	P/S	P
Accessory massage therapy establishments	P	P	P	P
Auto wash			S	
Automobile service station			P	S
Automobile service station (no repair work done on-site)	S		P	
Automobile service station (including repair work)				S
Automotive service garage (without overnight storage of cars)				S
Bank, credit union, saving and loan, financial office building				P
Bowling alley, dance hall, gymnasium, or other recreation/entertainment facility			P	S
Bus passenger station			S	P
Business school (for profit)			P	
Car wash establishment (enclosed)				S
Clinic			P	
Coin-operated amusement business			P	
Drive-in business			S	
Fortune telling for payment			P	
Funeral home	S	P	P	S
Governmental office or use			P	P
Massage therapy establishments	S	S	S	S
Motel			S	S
Neighborhood service establishment (shoe repair, tailor shop, beauty parlor, barber shop, etc)	P	P	P	
New car sales office or showroom (enclosed)			P	
New or used car sales or showroom (enclosed)				S
Non-motorized pathways or trails	P	P	P	P
Office building (executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales)				P
Open-air business or use			P	S
Outdoor sales (cars, homes, campers, utility trailers)			S	
Parking and loading, required off-street				P
Pawnshops			S	
Personal service establishments	P			
Pet Boarding Facilities		P		P
Physical culture or health service facility				P
Place of Worship	S	P	P	P
Pool and billiard halls			S	
Private club or lodge	S	P	P	S
Private school (for-profit)			P	
Professional office (doctor, dentist, chiropractor, osteopath, lawyer)	P	P	P	

P = Principal Use Permitted

S = Special Land Use

How to use this Ordinance

COMMERCIAL DISTRICTS	B-1	B-2	B-3	B-4
Publicly-owned building, transformer station, exchange, sub-station and public utility office (not including storage yards)	S	S	P	
Public utility building or structure (without storage yard or water/sewage pumping station)	S	S	P	S
Restaurant, carry-out	P	P	P	P
Restaurant, drive-in			S	S
Restaurant, with drive-through facilities		S	S	S
Restaurant, standard	P	P	P	P
Restaurants with outdoor seating	P	P	P	P
Retail business (general)		P	P	P
Retail business, neighborhood-oriented (groceries, meats, dairy, drugs, hardware, etc.)	P	P	P	
Second hand dealers			S	
Service establishment (general)		P		P
Sexually oriented business			P	
Signs				P
Smoking lounges			S	
Studio, radio or television				P
Tattoo and body art facilities			S	
Theater, assembly hall, concert hall, and similar place of assembly		P		
Tobacco retail store			S	
Tobacco retail specialty store			S	
Trucking facility				
Veterinary clinic (enclosed)			P	S

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How to use this Ordinance

OFFICE AND INDUSTRIAL DISTRICTS	O-1	O-2	OR-1	OR-2	R-0	I-L	I-OP
Accessory alcoholic liquor licenses, establishments with			P	P			P
Accessory building or use ancillary to principal permitted use	P	P	P	P	P	P	P
Accessory massage therapy establishments	P	P	P	P	P		
Animal shelter, registered							P
Automobile repair garage						P	
Bank, credit union, saving and loan, financial office building		S	P				
Blueprinting, photostating, photoengraving, printing, publishing, and bookbinding							P
Bowling alley, dance hall, gymnasium, or other recreation/entertainment facility				S			
Building material sales and storage						P	
Business school (for profit)				P			
Clinic					P		
Club (not carried on as a business)			P				
Drive-up window for full-service restaurant							S
Fortune telling for payment							P
Funeral home		S	P	P	P		
Hospital (general)					P		
Laboratory						P	
Light manufacturing, research, assembly, testing, and repair							P
Manufacturing, compounding, processing, packaging, and treatment of products and/or merchandise						P	
Massage therapy establishments			S	S			
Medical laboratory				P			
Medical office, including clinic	P	P	P	P	P		
Motel				P			
New car sales office or showroom (enclosed)				S			
Non-motorized pathways or trails	P	P	P	P	P	P	P
Nursing or convalescent home					P		
Office building (executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales)	P	P	P	P	P		P
Pet boarding facilities							P
Place of Worship		S	P	S			
Power generation plant						P	
Private club or lodge		S		P			
Private school (for-profit)				P			
Professional entertainment establishment				S			
Professional office (doctor, dentist, chiropractor, osteopath, lawyer)				P			
Publicly-owned building, transformer station, exchange, sub-station and public utility office (not including storage yards)	P	P	P		P		

P = Principal Use Permitted

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How to use this Ordinance

OFFICE AND INDUSTRIAL DISTRICTS	O-1	O-2	OR-1	OR-2	R-0	I-L	I-OP
Public utility building or structure (without storage yard or water/sewage pumping station)				S			
Public utility service building and yard						P	
Railroad transfer and storage tracks						P	
Research, design, and pilot or experimental product development					P		P
Restaurant, standard			S	S			
Retail and personal service use ancillary to office use on first floor of multiple-story office building			S				
Retail business (general)							S
Retail use of a less intensive nature than office				S			
Retail business which has an industrial character in terms of either outdoor storage requirements or activities						S	
Senior assisted living facility		S					
Senior independent living					P		
Sexually oriented businesses							P
Technical training facility					P		
Tennis or racket court facility		S					
Theater, assembly hall, concert hall, and similar place of assembly				S			
Trucking facility						P	
Veterinary clinic (enclosed)		S		P			
Warehouse and distribution facility						P	P
Water and gas tank holder						P	
Water and sewage disposal						P	
Wholesale facility						P	

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S = Special Land Use

How to use this Ordinance

OTHER DISTRICTS	P-I	M-C	REC
Accessory alcoholic liquor licenses, establishments with			P
Accessory building or use ancillary to principal permitted use		P	P
Archery range			S
Boat launch, dock, or mooring			S
Community recreation center, community building, or social club			P
Golf course or driving range			P
Hospital (general)		P	
Medical institution		P	
Non-motorized pathways or trails	P	P	P
Nursing or convalescent home		P	
Off-street parking	P		
Outdoor recreation facility (with lighting and/or grandstands with a capacity of over 100 people)			S
Outdoor recreation facility			P
Park or parkway, public			P
Park, private or similar private recreation area			P
Recreation area (private)			P
Recreation use other than those principally permitted			S
Recreational facility (public)			P
Senior assisting living facility		P	
Senior independent living		S	
Swimming beach (public or private)			P

For Town Center District, refer to Sec. 26-3.1.22G.

P = Principal Use Permitted

S= Special Land Use

How to use this Ordinance

4. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult Article 3, District Standards, for additional requirements and exceptions to the information below.

District Summary Table for Principal Buildings					
Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Setbacks		
			Front Yard	Side Yards	Rear Yard
R-10 Single Family Residential	10,000 sq ft	70 ft	30 ft	8 ft	35 ft
R-12.5 Single Family Residential	12,500 sq ft	80 ft	35 ft	10 ft	35 ft
R-15 Single Family Residential	15,000 sq ft	100 ft	40 ft	12.5 ft	35 ft
RM Multiple Family Residential	Varies	Varies	50 ft	50 ft	50 ft
B-1 Local Business	4,000 sq ft	Varies	25 ft	10 ft	20 ft
B-2 Community Business	4,000 sq ft	Varies	75 ft	10 ft	20 ft
B-3 General Business	4,000 sq ft	Varies	25 ft	10 ft	20 ft
B-4 Restricted General Commercial	4,000 sq ft	Varies	25 ft	15 ft	20 ft
O-1 Office-Building	4,000 sq ft	Varies	25 ft	10 ft	20 ft
O-2 Office-Building	4,000 sq ft	Varies	25 ft	10 ft	20 ft
OR-1 Office-Retail	4,000 sq ft	Varies	25 ft	10 ft	20 ft
OR-2 Restricted Office-Retail	Varies	Varies	100 ft	22 ft	20 ft
R-O Research Office	Varies	Varies	75 ft	20 ft	20 ft
I-L Limited Industrial	Varies	Varies	50 ft	30 ft	20 ft
M-C Medical Campus	50 acres	800 ft	Varies	Varies	Varies
I-OP Industrial-Office Park	2 acres	Varies	50 ft	30 ft	20 ft
REC Recreation	6 acres	Varies	100 ft	100 ft	100 ft

Note: P-1 Vehicular Parking District and Town Center Overlay is not listed in the above table. Consult Article 3 for District Standards.

How to use this Ordinance

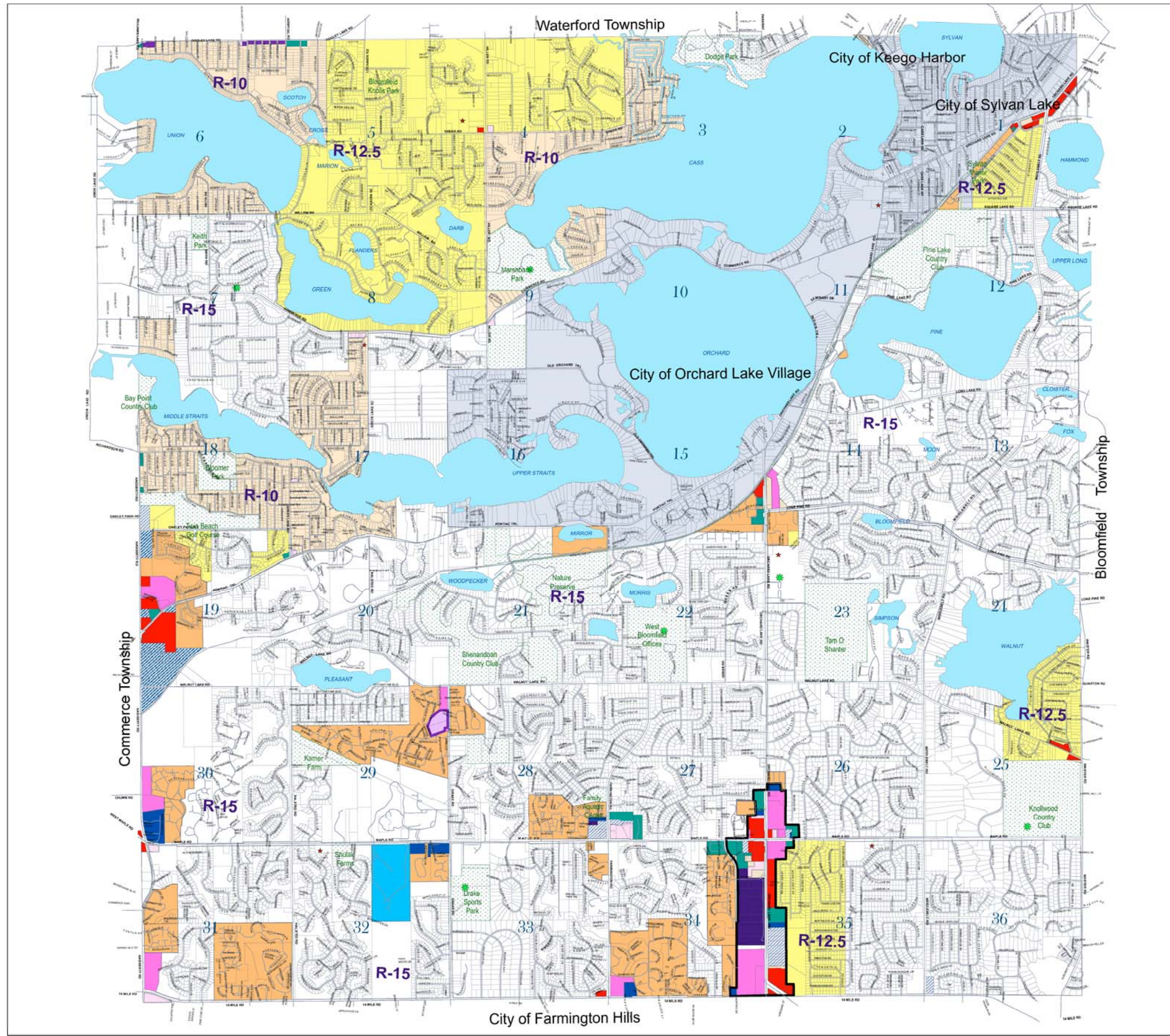
Intentionally Blank



Zoning Map

- Cell Tower Overlay District
- wbtgis.DBO Lakes
- PUD_Overlay
- Township Center Overlay District
- Zoning Districts**
- R-10 Single Family Residential
- R-12.5 Single Family Residential
- R-15 Single Family Residential
- RM Multiple Family Residential
- B-1 Local Business District
- B-2 Community Business District
- B-3 General Business District
- B-4 Restricted General Commercial
- O-1 Office Building District
- O-2 Office Building District
- OR-1 Office Retail District
- OR-2 Restricted Office Retail District
- R-O Research Office District
- P-1 Vehicular Parking District
- I-OP Industrial Office Park District
- REC Recreational Areas
- PUD Planned Unit Development

Digital User Note:
Click on a district heading in the map legend to go directly to the corresponding district regulations.



This map was created and updated by the Geographic Information Specialist, Cindy Dummerfield. The last update took place in April of 2011.



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CHAPTER 26

Article 1.0

Purpose and Introduction



Chapter 26

Article 1.0 Purpose and Introduction

- 1.1 Short Title; Statement of Intent; Preamble
- 1.2 Construction
- 1.3 Conflicting Regulations
- 1.4 Scope
- 1.5 Vested Rights, Etc.
- 1.6 Severance Clause
- 1.7 Voting Places
- 1.8 Parking and Storage of Junked, Wrecked and Inoperable Vehicles



1.0 Purpose and Introduction

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1.1. SHORT TITLE, STATEMENT OF INTENT PREAMBLE

1. **Short title.** This chapter shall be known and may be cited as the "Charter Township of West Bloomfield Zoning Ordinance."
2. **Statement of intent.** This chapter is enacted for the regulation of land development and the establishment of districts in the portions of the township outside the limits of cities and villages which regulate the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of land in the township shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and to promote public health, safety and welfare.

This chapter is, further, enacted for the regulation of land development and the establishment of districts which apply to land areas and activities which are involved in special programs to achieve specific land management objectives and to avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion, by dividing the township into districts of a number, shape, and area considered best suited to accomplish those objectives.

This chapter is, further, enacted for the purpose of designating or limiting the location, height, number of stories and size of dwellings, buildings, and structures that may be erected or altered, and the specific uses for which dwellings, buildings and structures may be erected or altered; the area of yards, courts, and other open spaces, and the sanitary, safety, and protective measures that shall be required for the dwellings, buildings, and structures; and the maximum number of families which may be housed in buildings, dwellings, and structures erected or altered.

The provisions of this chapter shall be based upon a zoning plan and the township's comprehensive development plan, all designed to promote the public health, safety, and

general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and, to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties. The provisions of this chapter shall be made with reasonable consideration, among other things, to the character of each district; its peculiar suitability for particular uses; the conservation of property values and natural resources, including, but not limited to, wetlands, woodlands, flood plains, watercourses, and the processes associated with such resources; and the general and appropriate trend and character of land building, and population development.

3. **Preamble.** In accordance with the authority conferred by the public acts of the State of Michigan, and for the purpose of promoting the objectives and authorization set forth above in the statement of intent, and recognizing the need to protect and preserve the special endowment of natural resources and features, and environmental assets in the township, including but not limited to, wetlands, woodlands, floodplains, watercourses, and the processes associated with such resources, and the public trust therein, and taking into consideration the township's zoning plan and comprehensive development plan, this chapter is enacted.

1.2 CONSTRUCTION

This chapter shall be construed to be a comprehensive amendment of the zoning ordinance of the township adopted by the township board on June 9, 1942, as amended. The effective date of zoning in the township of June 9, 1942, and nothing contained in this chapter shall be construed to exempt any property, building or use



from the application of zoning regulations which property, building or use would have been subject to the zoning except for the enactment of this chapter.

1.3 CONFLICTING REGULATIONS

Whenever any provision of this 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.

1.4 SCOPE

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

1.5 VESTED RIGHTS, ETC.

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

1.6 SEVERANCE CLAUSE

Sections of this chapter shall be deemed to be severable and should any section, paragraph or provision of this chapter be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

1.7 VOTING PLACES

The provisions of this chapter shall not be so constructed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

1.8 PARKING AND STORAGE OF JUNKED, WRECKED AND INOPERABLE VEHICLES

Parking and storage of junked, wrecked and inoperable vehicles as defined in Article 2 shall be prohibited in all single-family residential districts.



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CHAPTER 26

Article 2.0 Definitions



Chapter 26

Article 2.0

2.1

Definitions

Definitions

Accessory building or structure	Family day care home	Nursing or convalescent home
Accessory use	Farm	Off-street parking lot
Alcoholic liquor license	Fence	Open-front store
Alley	Fence, obscuring (walls)	Open storage
Alterations	Festoon signs	Outdoor storage
Animal	Floor area	Outline tubing sign
Animal shelter	Floor area, gross	Parking space
Art installation, outdoor	Floor area, useable	Paseo
Automobile repair	Forest products	Pawnshop
Automobile service station	Fortune telling for payment	Personal service establishment
Awning	Frontage, building	Pet boarding facility
Basal area	Frontage, street	Places of worship
Basement	Funeral Home	Planned commercial shopping plaza
Bed and breakfast	Gasoline service station	Plaza
Boat	Grade*	Pool (private)
Building	Greenbelt	Pool and billiard hall
Building envelope	Ground floor	Portable sign
Building height	Group day care home	Principal use
Building line	Home occupation	Private athletic court
Building, main or principal	Hospital, general	Public utility
Camper enclosure	Identification sign	Pylon sign
Canopy	Independent elderly housing	Real estate development sign
Canopy, tree	Information sign	Real estate sign
Child care center	Lake	Recreational off-road or all-terrain vehicles
Civic	Landscape wall	Residential development identification sign
Club	Loading space	Residential entry feature
Community development department	Lot	Restaurant*
Community special event sign	Lot area	Retaining wall
Congregate elderly housing	Lot, contiguous	Safety path
Construction sign	Lot, corner	Second hand dealer
Corridor frontage zone	Lot coverage	Senior housing*
Crosswalk	Lot depth	Setbacks
Decorative outcroppings	Lot interior	Sexually oriented business
Deck	Lot, lakefront	Shopping center
Development site	Lot, lakeview	Sign*
District	Lot lines	Smoking lounge
Drive-through facility	Lot of record	Stable, private
Dwelling	Lot width	Stable, public
Dwelling, multiple-family	Massage therapy establishments	Story
Dwelling, one-family	Master plan	Story, half
Dwelling, two-family	Median	
Dwelling unit	Mixed-use	
Environmental feature	Nature path	
Erected	Nature viewing area	
Essential services	Nonconforming building	
Exterior appliances	Nonconforming use	
Family	Nursery, plant material	

*Multiple terms are defined in this ordinance.



Chapter 26

2.1

Definitions (continued)

Street
Streetscape
Structure
Swimming pool club, private (nonprofit)
Swimming pool club, private
Tattoo and body art
Temporary building or use
Thoroughfare, major
Thoroughfare, secondary
Tobacco retail store
Tobacco specialty retail store
Trailer coach (mobile home)
Trailer court
Transparency
Travel trailer
Tree
Tree stand
Use
Used or occupied
Vehicle
Vehicle, commercial
Vehicles, junk or wrecked
Vehicle, inoperable
Veterinary clinic
Watercourse
Weathering Steel
Wetland
Wireless communications*
Woodland
Woodland construction envelope
Woodland disturbance configuration
Woodland harvesting
Woodland preservation
Woodland tree cutting
Yards*

*Multiple terms are defined in this ordinance.

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2.0 Definitions

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2.1 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section. Terms not defined in this section shall have the meaning customarily assigned to them.

Accessory building or structure means a building or structure subordinate to a primary building/structure.

Accessory use means a use subordinate, incidental and ancillary to the principal use of the lot and used for purposes clearly incidental to those of the principal use.

Alcoholic liquor license means a license or permit required by the Michigan Liquor Control Code, MCL 436.1101 et seq., in order for a licensee to sell, produce or warehouse alcoholic liquor for consumption on or off the premises. The numerous types of alcoholic liquor licenses and permits are listed in the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission, Approval Chart LC_1305, as updated. An alcoholic liquor use as defined and licensed by the Liquor Control Commission is permitted as an accessory use provided that the specific alcoholic liquor use permitted by the license is customarily ancillary to the principal use of the premise.

Alley means a minor vehicular way used primarily to serve as an access way to the back or side of properties otherwise abutting on a street.

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

Animal means a vertebrate or invertebrate other than a human being.

1. **Domestic animal** means an animal that is a personal household pet such as, but not limited to, a dog, cat, bird, fish, non-poisonous amphibian or reptile, gerbil, guinea pig and ferret that may be lawfully purchased and kept in the State of Michigan and that is kept as an accessory use of the dwelling of the person that owns or is responsible for the animal.

2. **Non-domestic animal** means an animal that is considered a farm animal such as, but not limited to, any livestock, horse, swine, cattle, sheep, goat, llama, duck, chicken, turkey, rabbit or any other animal raised for slaughter; or an exotic animal which includes but is not limited to: any animal that is not native to North America such as a lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo, or water buffalo, and species of foreign domestic cattle; and wild animals that are a non-domesticated animal or a cross of a non-domesticated animal.

Animal shelter means any facility operated by a humane society or other nonprofit organization, a municipality or other governmental agency registered pursuant to the Pet Shops, Dog Pounds, and Animal Shelters Act, MCL 287.331 et seq., for the impoundment and care of animals.

Art installation, outdoor means any work of art that is sited in a place outdoors for people to experience. This may include murals, outdoor sculptures, furniture, and/or other functional elements that are designed and/or built with an artistic aesthetic.

Automobile repair means general repair, engine rebuilding, or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile service station means a place for the retail dispensing, sale or offering for sale of motor fuels, with the only permitted accessory uses being the servicing and minor repair of motor vehicles, retail sales of minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers, and retail sales of non-automotive related products including:

1. sundries such as gum, candy, cigarettes, newspapers, magazines and other individually packaged convenience items.
2. basic convenience grocery items such as milk and bread.



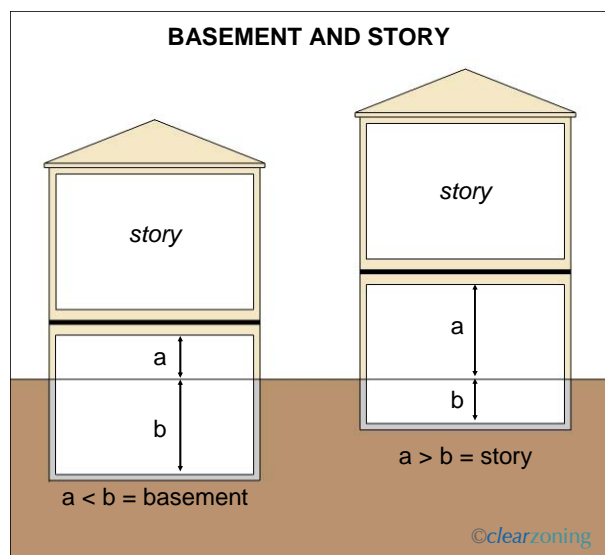
3. pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department.
4. non-alcoholic beverages only.
5. It being the finding and public policy determination of the township that the sale of beer, wine, liquor, or other beverages containing alcohol should never be found or determined to be customarily incidental to an automobile service station for the following reasons:
 - A. Alcohol is not a product that should be conveniently available to the motoring public at a location where they purchase fuel for their vehicle. Such availability has a strong potential to encourage or facilitate alcohol related driving offenses and accidents that might not otherwise occur if a motorist in need of fuel had to make a separate stop to purchase alcohol.
 - B. The nature of modern day automobile service stations and the multiple transactions employees must handle at the same time is inconsistent with the proper administration and enforcement of the State's liquor control laws and prohibitions on sales to minors and visibly intoxicated persons and the Michigan Liquor Control Code of 1998, MCL 436.1906, does not require server training programs for off-premises licensees and their employees.
 - C. Many automobile service stations are open later than other stores where alcohol is sold, creating the ability for persons who had been consuming alcohol in an on-premises establishment to conveniently purchase alcohol after leaving that establishment, increasing the chances of alcohol related driving offenses and accidents and potentially undermining the liability of on-premises licensees for serving alcohol to minors or visibly intoxicated persons under the rebuttable presumption in MCL 436.1801(8), that licensees other than the one who made the last sale are not liable for damages caused by a minor or visibly intoxicated person they served.

- D. Allowing the sale of alcohol at automobile service stations would increase the volume of motor vehicle traffic and parking demands on properties that were not planned or designed to accommodate the increased demand, resulting in increased vehicle conflicts and accidents.
- E. Locations that sell alcohol are a separate retail use under this chapter, which the township pursuant to its zoning authority to ensure that use of land is situated in appropriate locations and relationships, reduce hazards to life and property, and to promote and protect the public health, safety and welfare, has determined should not be allowed at automobile service station locations.

Awning means a non-permanent roof-like structure supported by a frame that projects out from a façade over windows and doors. Awnings shall be made of canvas, glass, or metal and open-ended barrel-type awnings.

Basal area shall mean the cross-sectional square footage of tree trunk area per acre, measured four and one-half (4 1/2) feet from the ground.

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement will not be counted as a story.

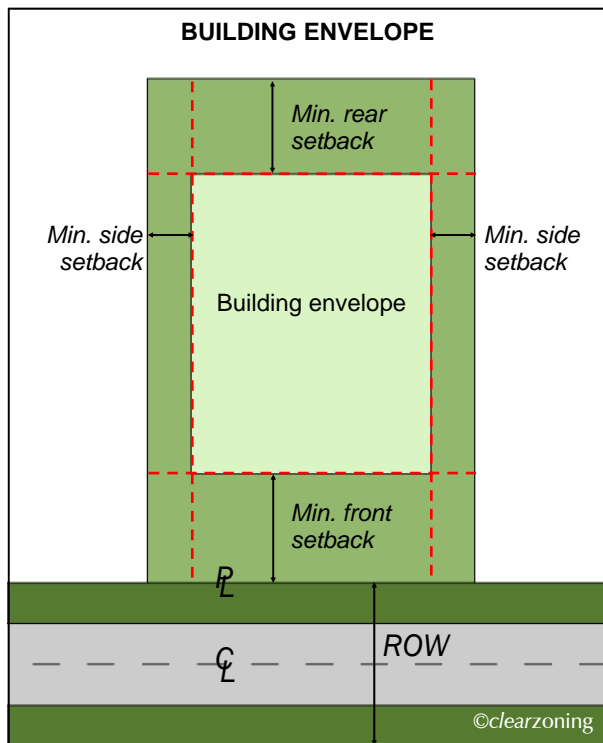


Bed and breakfast means a use which is subordinate to the principal use of a detached single-family dwelling unit in which a specified maximum number of transient guests are provided a sleeping room for a limited number of nights and certain light foods in return for payment.

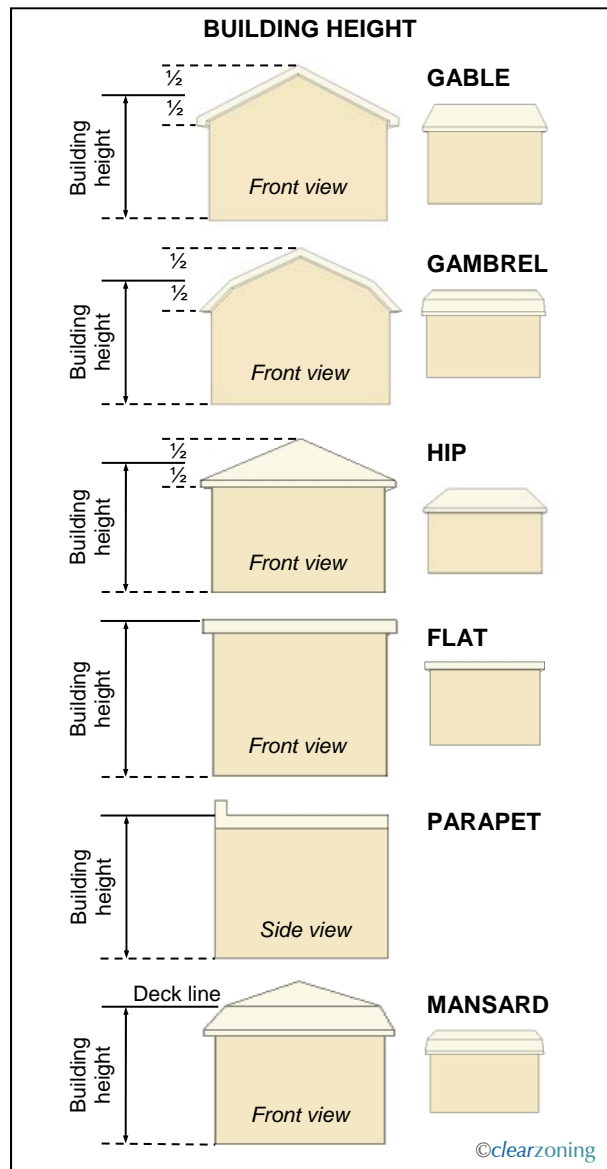
Boat means a watercraft, however propelled designed to be operated on a body of water.

Building means any structure, either temporary or permanent, having a roof, supported by columns or walls and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for such purposes. The word "building" includes the word "structure."

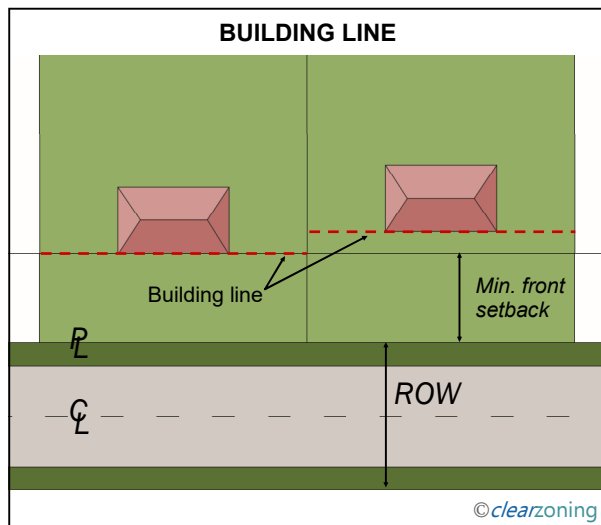
Building envelope means the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance.



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



Building line means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.



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

Camper enclosure shall mean any structure or enclosure designed for mounting on a pickup truck or truck chassis to provide temporary sleeping or living quarters for recreational, camping, or travel use including, but not limited to a slide-in camper or camper cap.

Canopy means a roof-like cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

Canopy, tree means the substantially continuous horizontal layer formed by the leaves and branches of adjacent trees in woodland.

Child care center means a facility licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, other than a private residence receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child.

Civic means a term defining a use, organization, or space operated on a not-for-profit basis and dedicated to the arts, culture, education, recreation, government, or transit.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Community development department means the Township department charged with the enforcement of this ordinance which includes the planning, building and code enforcement divisions. The department head, supervisors, or anyone authorized by the department head has the ability to enforce this ordinance.

Community special event sign means temporary signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, non-profit, or school activities and events.

Congregate elderly housing shall mean dwelling units containing sanitary, sleeping and living spaces in addition to common services area, including, but not limited to, central dining room(s), recreational room(s) and central lounge under common management.

Construction sign means a temporary ground sign that may be displayed throughout the active construction period that identifies the project name, owner, architect, engineer, general contractor, and/or sub-contractor names, with phone numbers and addresses.

Corridor frontage zone means the portion of the lot located between the minimum and maximum setback lines.

Crosswalk means a path clearly delineated on a street, parking lot, or driveway to indicate where pedestrians should cross.

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Decorative outcroppings mean landscape boulders that vary in size, shape, and color. These may include fieldstone boulders, limestone boulders, and ledgestone.

Deck is an open (attached or detached) constructed platform generally used for outdoor gathering.

Development site means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A development site shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the development site is located. A development site, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record, or portions thereof.

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

Drive-through facility is an accessory use whereby a customer drives a motor vehicle onto the premise and to a window or mechanical device by which the customer is serviced without exiting the vehicle, and may include the following: designated travel or stacking lanes, intercom systems, menu/order boards, service windows, kiosks, and mechanical devices.

Dwelling includes the word "residence."

Dwelling, multiple-family means a building or a group of buildings, or a portion thereof, designed to provide three (3) or more separate dwelling units on a single development site.

Dwelling, one-family means a building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, two-family means a building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling unit means a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Environmental feature shall mean any:

1. Watercourse; or
2. Wetland.

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

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems; collection, communication, supply or disposal systems, poles, wires, drains, sewers, pipes, conduits, cables; fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare, and not including communication and/or wireless transmission towers or poles in excess of thirty-five (35) feet in height.

Exterior appliances means a central air-conditioning condenser unit, heat pump, or any other noise-producing mechanical system components which are typically required to be located on the exterior of a structure.

Family means one (1) or two (2) persons or parents with their direct lineal descendants or adopted or foster children (and including the domestic employees thereof); together with not more than two (2) persons not so related, living together in the whole or part of a dwelling unit comprising a single housekeeping unit. Every additional group of two (2) or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this chapter.



Family day care home means a private home, licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, in which one (1) but less than seven (7) minor children are received for care and supervised for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Farm means all of the continuous neighboring or associated land operated as single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, riding or boarding stables, pet boarding facilities, stone quarries or gravel or sand pits shall not be considered farms hereunder. No farms shall be operated as, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.

Fence means a man-made barrier or structure which is erected or placed to enclose, screen or separate areas.

Fence, obscuring (walls) means a structure constructed of masonry material or material equally as durable of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

Festoon signs mean a sign consisting of strings of exposed incandescent light bulbs or strings of pennants hung overhead to draw attention to items on display.

Floor area, for the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor area, gross, for the purposes of calculating required parking under Section 26-5.8, means the total square footage of a building or other area described in Section 26-5.8, which for buildings shall be measured from the interior face of the exterior walls.

Floor area, usable, for the purposes of calculating required parking under Section 26-5.8, which is also referred to in Section 26-5.8 as usable floor space, gross leasable area, gross leasable floor area and usable gross leasable area, means eighty (80) percent of the gross floor area.

Forest products is a term describing those wood related items from a woodlands to include veneer logs, saw logs, firewood, pulpwood, pole trees, groundcover, branches, boughs and whole trees and/or saplings for transplanting.

Fortune telling for payment means the business of telling individual fortunes, forecasting futures, or reading the past for payment by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or similar reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other science, talisman, charm, potion, magnetism, magnetized article or substance. It shall also include, but is not limited to, performing for payment spells, charms, incantations, and placing or removing curses. Fortune telling shall also include pretending to perform these actions. Fortune telling for payment shall not include the following:

1. Entertaining at group events and functions by demonstrations of mindreading, mental telepathy, thought conveyance, magic, giving of horoscopic readings, or other fortune telling in the presence of the group in attendance where individual payment for fortune telling is not required.



Frontage, building (for the purpose of calculating landscape requirements in the Township Center district) means any side of the building with a public entrance.

Frontage, street means the street onto which the front façade of a building faces. A corner lot has a primary and a secondary frontage, with the primary frontage being the frontage onto which the front of the building faces.

Funeral home means a funeral establishment licensed by the State of Michigan in which dead bodies are prepared for burial or cremation or funeral services are conducted.

Gasoline station means an automobile service station as defined and subject to the same accessory use limitations as contained in that definition.

Grade, and specified types or categories of grade shall mean the following:

1. **Grade** means a ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined to be the average grade.
2. **Average grade** means a reference plain representing the average of the level of the ground adjoining the building at all exterior walls.
3. **Natural grade** means the elevation of the ground surface before any grading, excavation, filling or man-made alterations.
4. **Finished grade** means the final elevation of the ground surface after completion of alterations and development.

Greenbelt means a strip of land to definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer in carrying out the requirements of this chapter.

Ground floor means the first floor of a building other than a cellar or basement.

Group day care home means a private home licensed by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Home occupation means an accessory use that is conducted entirely within a dwelling and that is a legal occupation, profession, or business activity conducted by an occupant residing on the premises and where all business activity relies solely on electronic or off-premise transactions and communication is conducted over the internet, telephone, and/or electronic mail. Medical, hospital or veterinary services, kennel, grooming or pet boarding services, personal service establishments, or repair facilities shall not be deemed a permissible home occupation.

Hospital, general means an installation providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility.

Identification sign means a sign which identifies by number an individual building or parcel, not to exceed two (2) square feet.

Independent elderly housing shall mean attached or detached dwellings (apartment, townhouse or single-family structures) occupied by elderly individuals and their spouses as part of a planned development and provided with qualified management services to maintain the premises.



Information sign means those signs which have the sole function of providing information and direction, and are not larger than two (2) square feet, and are not oriented to motorized traffic on public rights-of-way. Such signs would include, but are not limited to, tree names, putting green information, clubhouse direction and others of this type used on the interior of a project and designed for those using that area.

Lake, for purposes of this chapter, means any permanent body of open water with a minimum surface area of five (5) acres, including any connected navigable canals.

Landscape wall means a wall thirty (30) inches or less in height installed for the purpose of defining landscaped areas.

Loading space means an off-street 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.

Lot means a parcel of land occupied, or to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records. The word "lot" includes the words "plot" and "parcel."

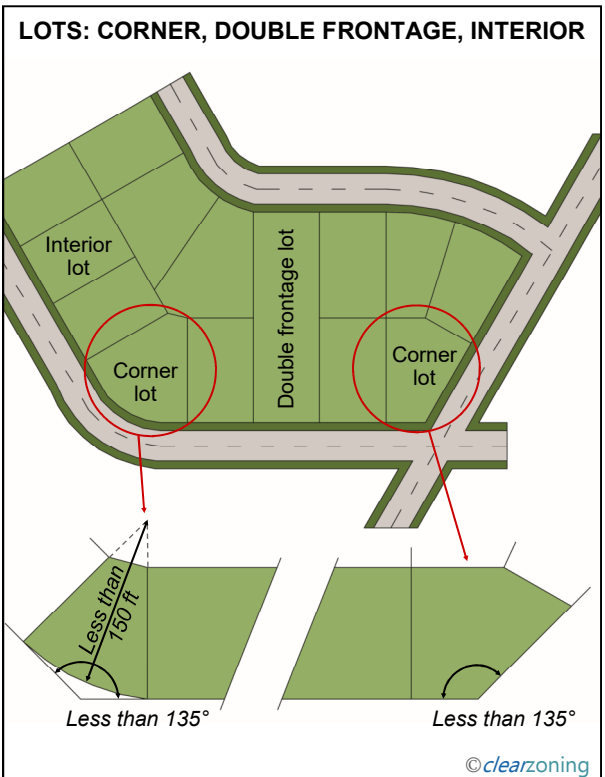
Lot area means the total horizontal area within the lot lines of the lot.

Lot, contiguous means lots or parcels of land adjoining each other and under the same ownership.

Lot, corner means a lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

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

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



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

Lot, lakefront, for purposes of this chapter, means any lot, outlot or parcel of land which abuts and includes any portion of the lake shore of a lake.

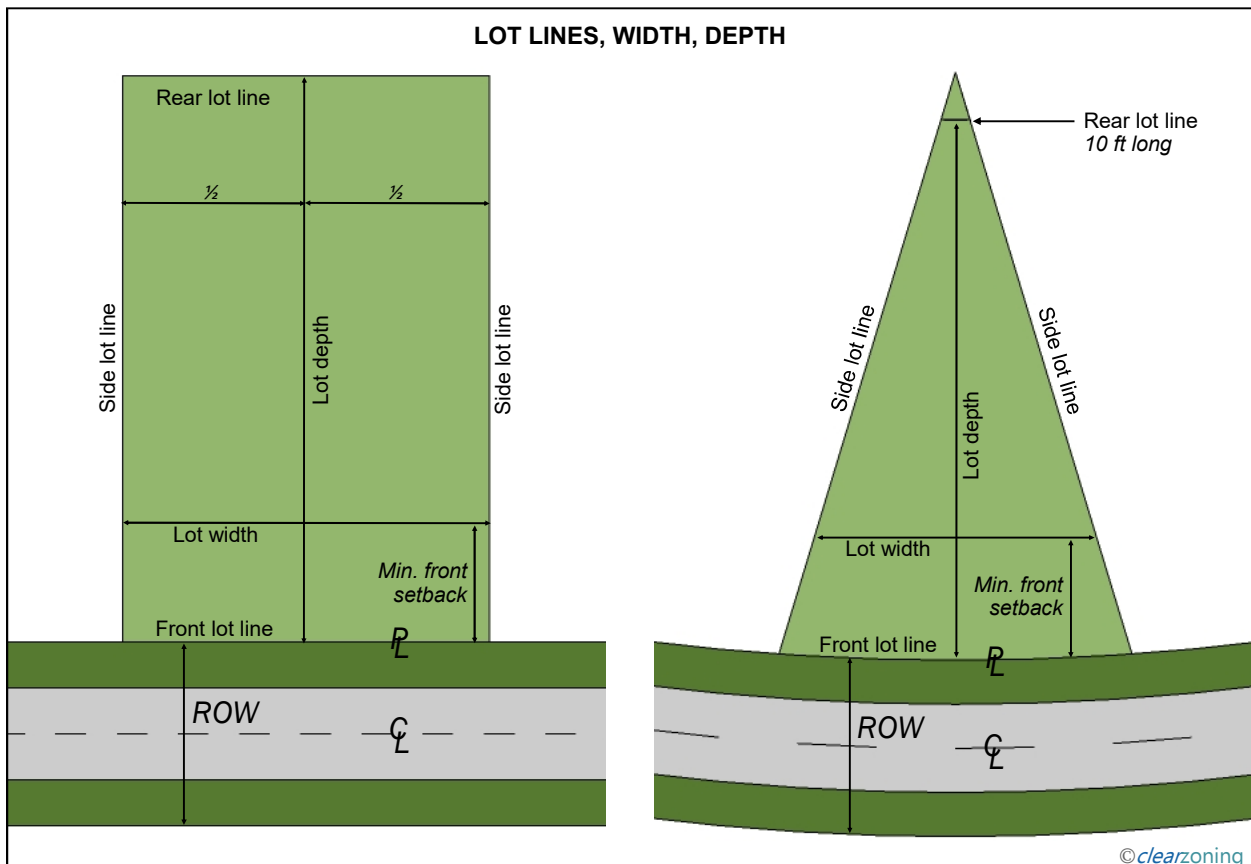
Lot, lakeview, for purposes of this chapter, means any lot, outlot or parcel of land which abuts a private or public lakefront park, association, beach or other similar open space area where the distance between the shoreline of the lake and the closest edge of the lot is not more than one hundred fifty (150) feet.

Lot lines mean the lines bounding a lot. ↗


- A. **Front lot line**, in the case of an interior lot, means the line separating the lot from the street; in the case of a corner lot, or double frontage lot, means that line separating the lot from that street which is designated as the front street in the plat and the request

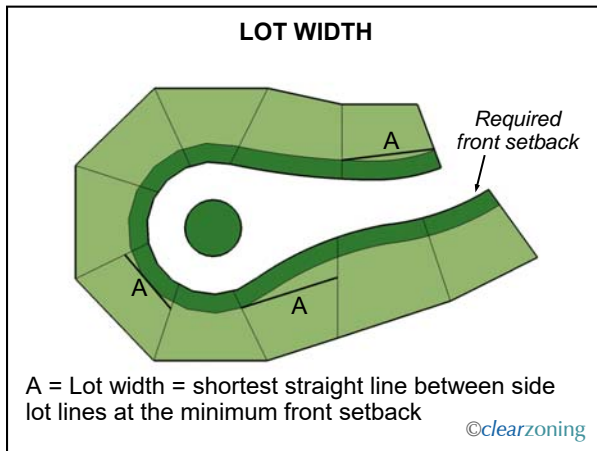
for a building permit. In the case of lots bordering on a lake, river or canal, the water or shore line shall be designated as the front of such lots. ↗

- B. **Rear lot line** means the lot 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 (10) feet long lying farthest from the front lot line and wholly within the lot. ↗
- C. **Side lot line** means any lot lines other than the front lot lines or rear lot lines. A side lot line separating a lot from a street is a side



Lot of record means a parcel of land, the dimensions of which are shown on a recorded plat on file with the county register of deeds, on June 1, 1966, or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot width means the distance between side lot lines, with the specific location for measurement being governed by other provisions of this ordinance, including Section 26-3.5, specifying minimum lot width. 



Massage Therapy Establishments

1. **Accessory Massage Therapy Establishment** means any establishment where massage therapists are regulated and licensed pursuant to the Massage Therapy Act, Public Health Code, Article 15, Part 179A, MCL 333.17951 et seq., and licensed pursuant to Chapter 14 of the Township Code of Ordinances, whereby massage therapy is an accessory use of the establishment. Principal uses to which massage therapy may be accessory to include, but are not limited to, the following:
 - A. a spa,
 - B. health club,
 - C. professional healthcare office,
 - D. hospital or medical clinic,
 - E. senior housing,
 - F. nursing or convalescent home
 - G. private club,
 - H. athletic club.

2. **Massage Therapy Establishment** means any establishment where massage therapists are regulated and licensed pursuant to the Massage Therapy Act, Public Health Code, Article 15, Part 179A, MCL 333.17951 et seq., and licensed pursuant to Chapter 14 of the Township Code of Ordinances, whereby massage therapy is the principal use of the establishment.

Master plan means the comprehensive plan including graphic and writing proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the township and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the planning commission and/or the township board.

Median means a paved or landscaped island separating lanes of traffic that travel in different directions.

Mixed-use means a building that includes more than one use; typically having different uses on the ground story than the upper stories of the building.

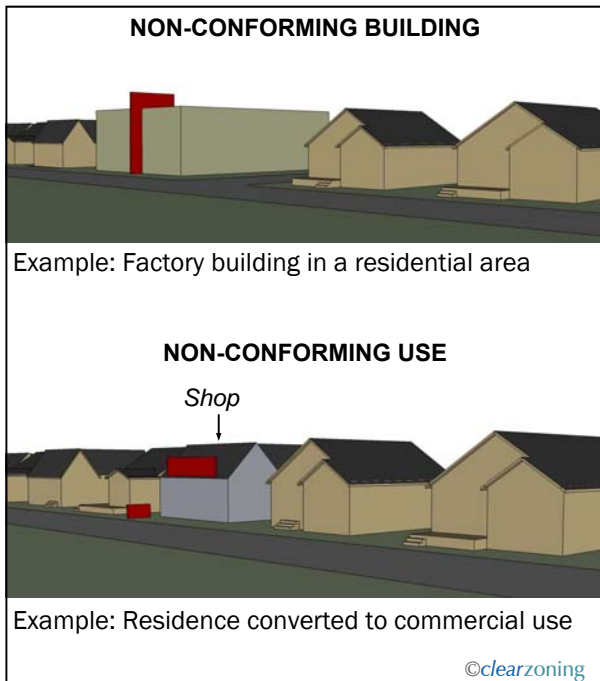
Nature path means a maintained walkway that allows users to experience nature. Nature paths may be paved with asphalt or comprised of wood chips or gravel. A nature path may include a boardwalk that allows the path to be extended into marshy ground or open water.

Nature viewing area means an area within an otherwise developed site that is either in a natural state or intentionally landscaped to provide a natural setting. The viewing area typically includes seating and is connected by a sidewalk or nature path to the building to which it serves.



Nonconforming building means a building or portion thereof, existing on June 1, 1966, or upon amendment hereto, that does not conform to the provisions of this chapter nor to the use regulations of the district in which it is located.

Nonconforming use means a use which lawfully occupied a building or land at the time the ordinance on June 1, 1966, or amendments thereto, became effective, and that does not conform to the use regulations of the district in which it is located.



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. Nursery does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing or convalescent home means a structure with sleeping rooms where persons are housed or lodged and furnished with means and nursing care for hire, and is authorized and licensed by the state, county and local authorities.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Open-front store means a business establishment other than a restaurant, bank or gasoline station, so developed that service to the portion may be extended beyond the walls of the building, not requiring the patron to enter the building.

Open storage. See "Outdoor storage."

Outdoor storage means the keeping outdoors of any goods, materials, merchandise, equipment, boats or vehicles.

Outline tubing sign means an arrangement of exposed gaseous tubes (i.e., neon tubes) that outline and call attention to the sign.

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

Paseo means linear, pedestrian-only circulation zones that provide opportunities for small scale urban plazas and gathering spaces. A paseo may be an uncovered walkway or an enclosed portion of a building that links the front and rear portions of a property.

Pawnshop means any establishment regulated and licensed pursuant to the Pawnbroker Act, Public Act 273 of 1917, found at MCL 446.201 et seq.

Personal service establishment means any business operated primarily to render services to persons, including but not limited to a barber shop, health spa, beauty salon, repair store, photographic studio, laundry, laundromat, dry cleaning drop-off and pick-up service for off-site dry-cleaning only, tailor, dressmaker, personal trainer, caterer, or express mail/courier, or similar personal services. Retail sales of items related to the services being provided is permitted only as an accessory use.

Pet boarding facility means any establishment primarily for the temporary boarding and care of domestic animals. Pet boarding facilities may provide related services, including grooming or training, but no animals may be bred or sold at a pet boarding facility. Pet boarding facilities may be accessory to a veterinary office or hospital or to a principal retail use.

Place of Worship means any structure wherein persons regularly assemble for religious activity.

Planned Commercial Shopping Plaza means a commercial building which consist of three (3) or more spatial areas for separate shops, restaurants and other businesses each with private exterior entrances. A planned commercial shopping plaza development site may include more than one building with three (3) or more spatial areas for separate shops, restaurants and other businesses each with private entrances or may have common parking facilities, shared access, and have been planned as one development site regardless of ownership.

Plaza means a privately owned open area adjacent to a building and accessible to the public. It is generally located at the level of the sidewalk it adjoins and is unobstructed to the sky except for seating and other permitted pedestrian-oriented amenities.

Portable sign means a sign and sign structure which is designed to facilitate the movement of the sign from one (1) location to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. Political-election and political signs are excluded from the definition of portable signs.

Pool (private) means a pool and the apparatus and equipment pertaining to the pool maintained by an individual for the sole use of his/her household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

- A. In-ground pool - a pool constructed primarily under the ground that does not project more than thirty (30) inches above grade.
- B. Above-ground pool - a pool constructed primarily above the ground that projects more than thirty (30) inches above grade for more

than fifty (50) percent of the perimeter of the pool wall.

- C. Infinity/zero edge pool - a pool that is constructed primarily under the ground with less than fifty (50) percent of the perimeter pool wall exposed.

Pool and billiard hall means any establishments open to the public primarily for playing pool or billiards.

Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.

Private athletic court means a permanent basketball court, tennis court, volleyball court, or other sport court/facility. Temporary basketball hoops or temporary volleyball nets are not considered private athletic courts.

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

Pylon sign means a freestanding sign which is located more than five (5) feet but a maximum of twenty (20) feet above the ground.

Real estate development sign means a sign which offers for sale, rent or lease more than four (4) lots or parcels or dwelling units.

Real estate sign means a sign which offers for sale, rent or lease a single lot, parcel, residence or any other single building.

Recreational off-road or all-terrain vehicles are recreational units and include, but shall not be limited to three (3) and four (4) wheel off-road and all-terrain vehicles, dirt bikes, golf carts, buggies, or other vehicles not licensed by the State of Michigan for operation on streets and highways.



Recreational vehicle shall mean a vehicular unit which provides either temporary living quarters or transportation of recreational, camping or travel apparatus such as campers. The recreational vehicle may have its own motive power or may be designed to be drawn by a motor vehicle. The term recreational vehicle shall include, but is not limited to a motor home, a travel trailer, a truck camper, a folding camper trailer, and/or a fifth wheel.

Recreational unit shall mean any recreational vehicle, off-road or all-terrain vehicle, camper enclosure, trailer, or snowmobile. Units used in conjunction with one another such as snowmobiles mounted on a trailer shall be considered one recreational unit.

Recreational trailer shall mean a vehicle without motive power, designed to be drawn by a motor vehicle and used for carrying property including, but not limited to motorcycles, snowmobiles, off-road vehicles, all-terrain vehicles, recreational units as defined herein, or other equipment for recreational, camping or travel use.

Residential development identification sign means a sign used to identify, by name, the complex of lots and/or residences within a specific development.

Residential Entry Feature means an accessory structure consisting of wall(s), gate(s), or other structure(s) that is intended to serve as a decorative entry marker for an individual lot or parcel.

Restaurant means any establishment that provides as a principal use, the preparation and sale of food and/or beverages in a ready to consume state for consumption on or off the premises and includes a standard restaurant, a carry-out restaurant, a drive-in restaurant, a combination thereof, or a restaurant with drive-through facilities as defined below:

1. **Standard restaurant** means a business establishment that provides as a principal use the preparation and sale of food and/or beverages in a ready to consume state for consumption by customers in a dining area either delivered to the table or acquired by customers at a cafeteria or buffet.

2. **Carry-out restaurant** means a business establishment that provides as a principal use the preparation and sale of food and/or beverages in a ready to consume state primarily for consumption off the premises. A carry-out restaurant shall not include a drive-through facility.

3.

4. **Drive-in restaurant** means a business establishment that provides as a principal use the preparation and sale of food and/or beverages in a ready to consume state delivered to the customer in a motor vehicle for consumption in the motor vehicle while parked on the premise. A drive in-restaurant shall not include drive-through facilities.

5. **Restaurant with drive-through facilities** means a business establishment that provides as a principal use the preparation and sale of food and/or beverages in a ready to consume state for consumption by customers in either the on-site dining area or may be ordered by and delivered to the customer through a drive-through window, for consumption off the premises.

Retaining wall means means a wall in excess of thirty (30) inches built to retain a mass of earth, boulders, etc. and designed to resist lateral soil loads and surcharge loads.

Safety path means an improvement located within public or private rights-of-way designed primarily for the use of pedestrians and bicyclists and as shown on the master safety path system plan.

Second hand dealer means any establishment regulated and licensed pursuant to the Secondhand and Junk Dealers Act, Pubic Act 350 of 1917, found at MCL 445.401 et seq.

Senior housing means a building or group of buildings with three (3) or more separate dwellings intended and operated for occupancy by older persons as defined by the federal Housing for Older Persons Act of 1995 (HOPA). Senior Housing may include independent and/or assisted living arrangements, but shall not include nursing or convalescent homes regulated by the State of Michigan. Senior Independent Living and Senior Assisted Living Facility are defined as follows:

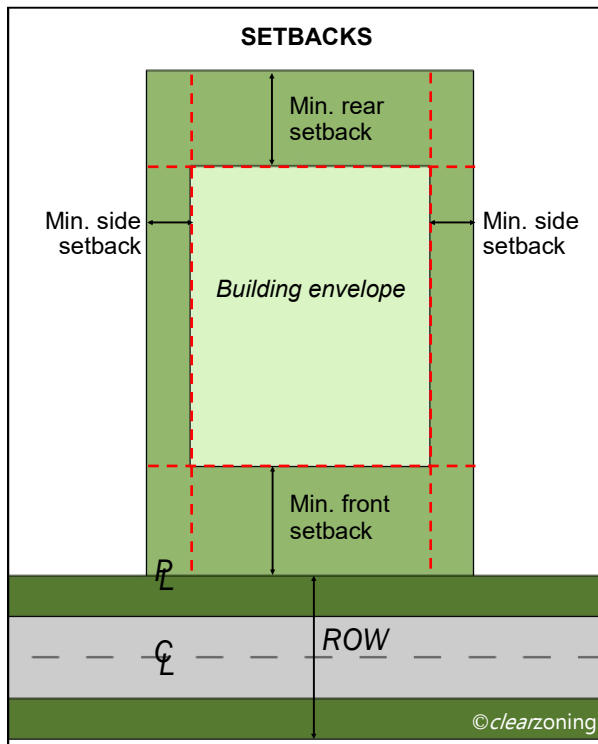
1. **Senior independent living.** Housing that is designed and operated for persons fifty-five



(55) years of age or older who desire and are capable of maintaining independent households. Such housing shall be comprised of individual dwelling units that are designed to promote independent living and shall contain kitchen facilities. Support services may be provided such as security; housekeeping; personal care services; transportation; recreational and social activities.

- 2.
3. **Senior assisted living facility.** Housing that is designed and operated for persons fifty-five (55) years of age or older that is comprised of living units designed for single or double occupancy except that kitchen and dining accommodations are provided in a central area and not located within the individual living units. Twenty-four (24) hour resident care shall be provided by persons trained and capable of assisting residents consistent with the resident's service plan. Service plans shall include meals, security, and housekeeping, and may include daily personal care, medication assistance, transportation, and other support services. Individual living units may contain kitchenettes.

Setbacks means the distance required to obtain the front, side or rear yard open space provisions of this chapter. ✍



Sexually oriented business means an adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theatre, semi-nude model studio, sexual device shop, or sexual encounter center as defined in Chapter 6 of the Township Code of Ordinances.

Shopping center means a structure or group of structures located on the same zoning lot or parcels which provide a variety of commercial uses and also provide common off-street parking facilities, pedestrian areas and vehicular movement areas.

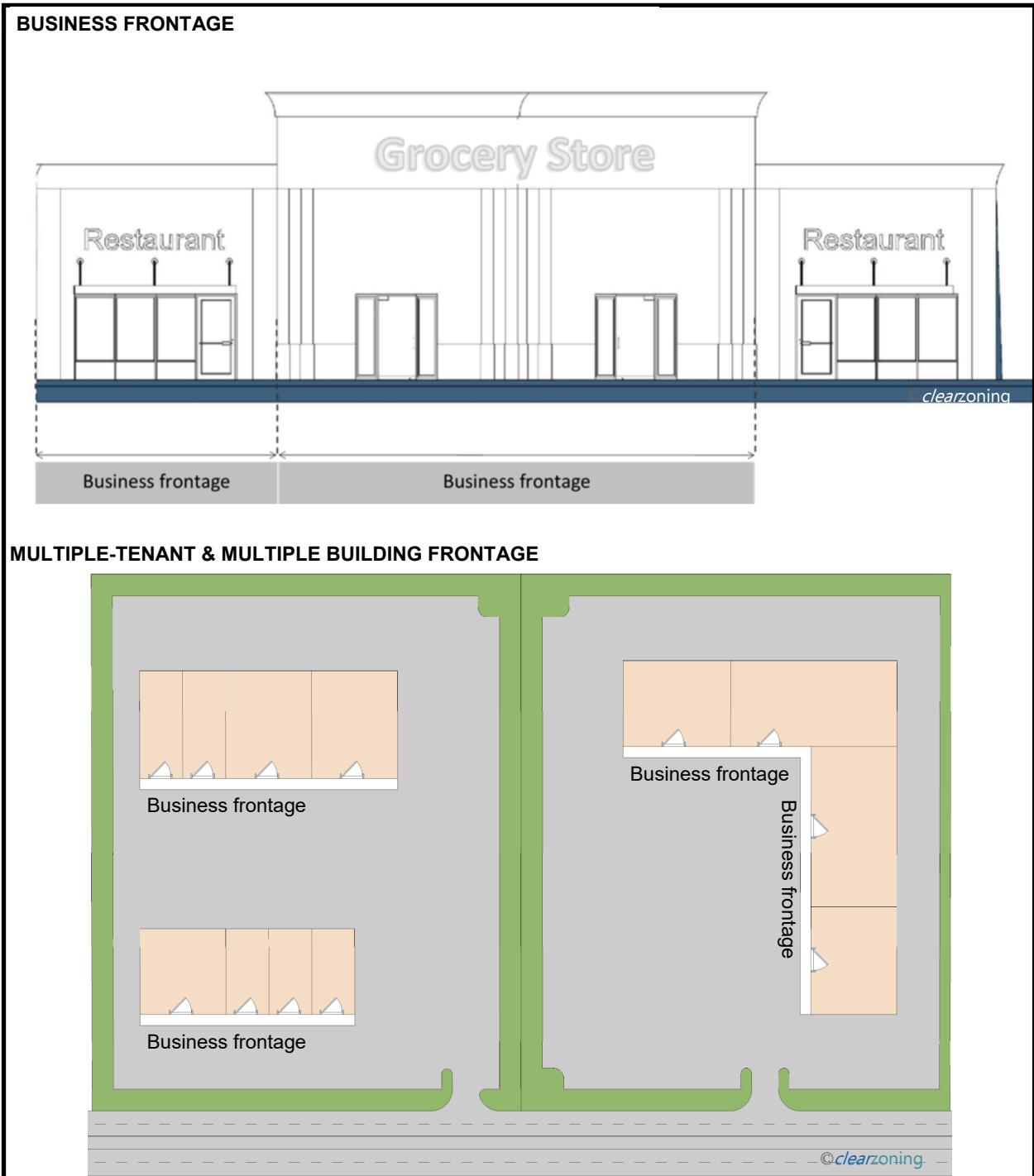
Sign means any use of words, numbers, figures, devices, designs or trademarks visible to the general public.

1. **Accessory sign** means a sign which is directly related to the principal use of the premises, such as the name and nature of the use and which does not advertise products or goods sold or produced on the premises.
2. **Awning or Canopy sign** means either 1) a sign that is printed or painted on the drip edge of a straight shed awning above a business door or window; or 2) an awning sign is comprised of individual letters that are attached to the top front edge of a flat awning or canopy above a business door or window.



3. **Business frontage** means the portion of a building operating under single ownership or single tenancy that faces or is visible from the front lot line or an exterior side (street-facing) lot line. For a multi-tenant building, the portion of the building facing the front lot line or exterior lot line that is dedicated to a tenant is the business frontage. The primary business

frontage is one that contains a customer/visitor entrance measured at the ground floor in a straight line. If a building has more than one (1) business frontage with a customer/visitor entrance, the property owner must designate one (1) of them as the primary business frontage; in this case, the other street-facing frontage is the secondary business frontage.”

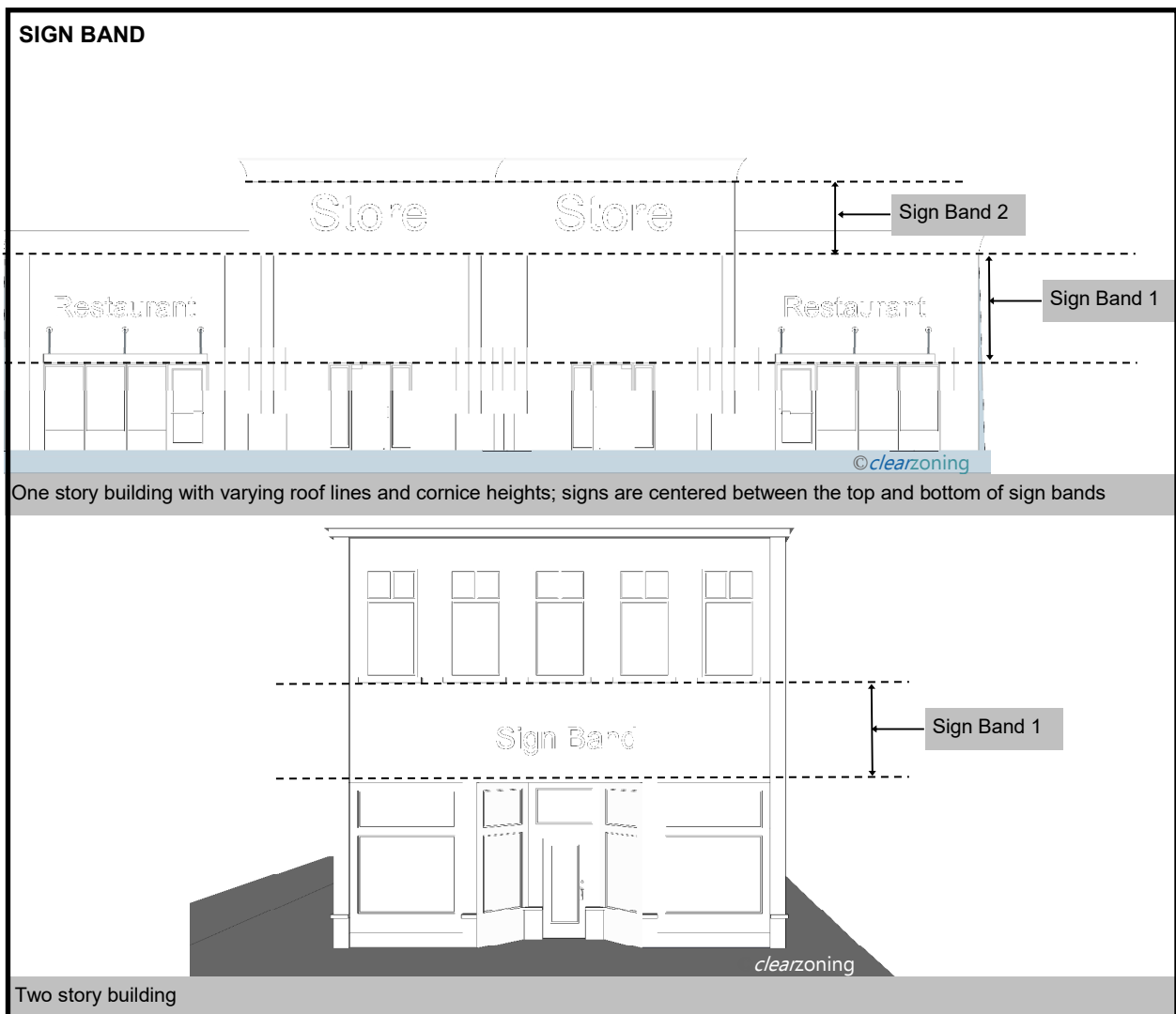


4. **Community special event sign** means temporary signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, non-profit, or school activities and events.
5. **Construction sign** means a temporary ground sign that may be displayed throughout the active construction period that identifies the project name, owner, architect, engineer, general contractor, and/ or sub-contractor names, with phone numbers and addresses.
6. **Festoon sign** means a sign consisting of strings of exposed incandescent light bulbs or strings of pennants hung overhead to draw attention to items on display.
7. **Hanging sign** means a sign that is similar to a projecting sign, except that it is suspended below a marquee, awning or canopy.
8. **Identification sign** means a sign which identifies by number an individual building or parcel, not to exceed two (2) square feet.
9. **Incidental sign** means a temporary or permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public and whose purpose is secondary to the use of the lot on which it is located. Such signs include but are not limited to entrance and exit signs, building numbers, addresses, private parking signs, telephone, no trespassing signs or dangerous animal signs.
10. **Information sign** means those signs which have the sole function of providing information and direction, and are not larger than two (2) square feet, and are not oriented to motorized traffic on public rights-of way. Such signs would include, but are not limited to, tree names, putting green information, clubhouse direction and others of this type used on the interior of a project and designed for those using that area.
11. **Lot frontage** means, for the purpose of calculating allowable monument sign area, the portion of a lot contiguous with a street right-of-way.
12. **Monument sign** means a sign extending upward from grade which is attached to a permanent foundation for a distance of not less than 50 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights. Such support structures shall be decorative and integral to the sign and building design.
13. **Non-accessory sign** means a sign which is either indirectly related or not related to the principal use of the premises, such as the advertising of products sold or produced.
14. **Outline tubing sign** means an arrangement of exposed gaseous tubes (i.e., neon tubes), LED lights, or other similar lighting that outlines and calls attention to the sign.
15. **Political election sign** shall mean a sign relating to the election of a person to public office or relating to a political party, or a matter to be voted upon at an election called by a public body.
16. **Political sign (other than election)** shall mean a sign which is displayed for the purpose of conveying a message which is a political expression unrelated to an election, and unrelated to a promotion for commercial purposes.
17. **Portable sign** means a sign and sign structure which is designed to facilitate the movement of the sign from one (1) location to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. Political-election and political signs are excluded from the definition of portable signs.
18. **Projecting sign** means a sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of a building.
19. **Pylon sign** means a freestanding sign which is located more than five (5) feet but a maximum of twenty (20) feet above the ground.
20. **Real estate development sign** means a sign which offers for sale, rent or lease more than four (4) lots or parcels or dwelling units.
21. **Real estate sign** means a sign which offers for sale, rent or lease a single lot, parcel, residence or any other single building.
22. **Residential development identification sign** means a sign used to identify, by name, the complex of lots and/or residences within a specific development.



- 23. **Sign band** means an integral part of the building design, as illustrated on an approved site plan, located between the highest point of windows or door openings on the first floor and the bottom of the eave line or cornice on a one-story building, or up to the lowest point of window or door openings of a second floor for a multi-story building. ☞
- 24. **Temporary sign** means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or building, but not including decorative displays for holidays or public demonstration. Temporary signs include but are not limited to grand opening, special events, coming soon, special sales and occasion, change of business and promotional signs.

- 25. **Wall sign** means a sign visible to the general public through display from the exterior wall of a structure and that is mounted flush and fixed securely to or painted on a building wall, projecting no more than twelve (12) inches beyond the face of a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.
- 26. **Wall sign, Primary** means a wall sign in the Township Center District placed within an approved sign band that is larger than all other wall signs on the primary business frontage.
- 27. **Window sign** means an accessory or non-accessory sign that is painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors including those placed or posted within twenty (20) feet of the window that are visible from the exterior.




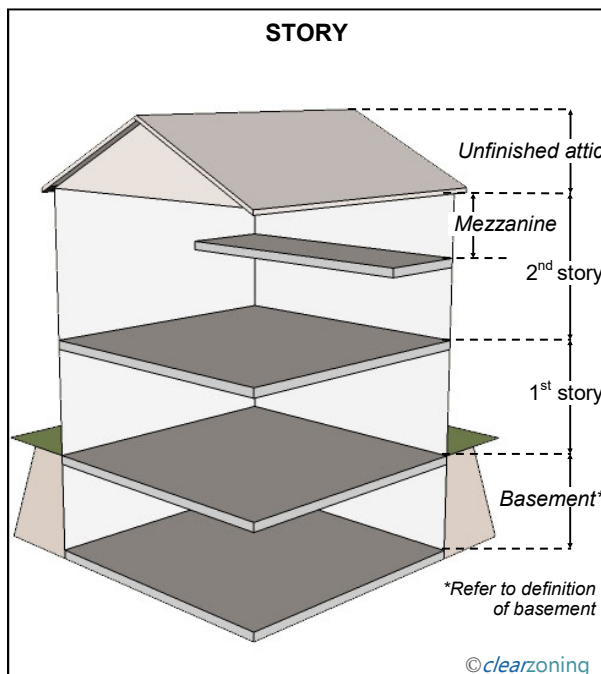
Smoking lounge means an establishment, which has a State issued smoking ban exemption certificate and that allows smoking on the premises of tobacco and non-tobacco products as defined in Chapter 6 of the Township Code of Ordinances.

Snowmobiles are recreational units and include motor driven vehicles designed for travel primarily on snow or ice that typically utilize sled type runners or skis, an endless belt tread, or any combination of these.

Stable, private means a stable for the keeping of horses for the noncommercial use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding.

Stable, public means a stable other than a private stable, with a capacity for more than two (2) horses, and carried on with an unplatted tract of land of not less than forty (40) acres.

Story means that part of a building included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content is below the level of the adjoining ground. 



Story, half means an uppermost story lying under sloping roof, the usable floor area of which, at a height of four (4) feet above the floor, does not exceed two-thirds of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet six (6) inches.

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

Streetscape means design elements along a street, including streetlights, sidewalks, landscaping, street furniture, and signage.

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

Swimming pool club, private (nonprofit) means a private club incorporated as a nonprofit club or organization, maintaining and operating a swimming pool, with specified limitations upon the numbers of members, or limited to residents of a block, subdivision, neighborhood, community or other specified area of residence, for the exclusive use of members and their guests.

Swimming pool, private means a swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

Tattoo and body art facility means any establishment regulated and licensed pursuant to the Body Art Facilities Act, Part 131 of the Public Health Code, Public Act 368 of 1978-12-131, found at MCL 333.13101 et seq.



Temporary building or use means a structure or use permitted to exist during a specified period of time.

Thoroughfare, major means an arterial street which is intended to serve as a large volume traffic-way for both the immediate township area and the region beyond. Major thoroughfares shall be considered to be those streets so designated in the master plan of the township.

Thoroughfare, secondary means an arterial street which is intended as a traffic-way to serve primarily the immediate township area. Secondary thoroughfares shall be considered to be those streets so designated in the master plan of the township.

Tobacco retail store means a retail establishment that does not have a State issued smoking ban exemption certificate, and the primary purpose is the retail sale of tobacco products as defined by the Tobacco Products Tax Act, MCL 205.422; non-tobacco smoking products as defined in Section 6-192 of the Code of Ordinances; and smoking paraphernalia. Tobacco retail store does not include a larger commercial establishment that contains a tobacco department or section, or any establishment with any type of liquor, food, or restaurant license.

Tobacco specialty retail store means an establishment that does have a State issued smoking ban exemption certificate, the primary purpose is the retail sale of tobacco products as defined by the Tobacco Products Tax Act, MCL 205.422; non-tobacco smoking products as defined in Section 6-192 of the Code of Ordinances; and smoking paraphernalia. Tobacco specialty retail store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

Trailer coach (mobile home) means any vehicle designed, used or so constructed as to permit its being uses as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such manner as will permit occupancy thereof as a dwelling or sleeping space for one (1) or more persons.

Trailer court means any plot of ground upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

Transparency means the degree, measured as a percentage, to which a façade has clear, transparent windows on each story.

Travel trailer means a vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

Tree shall mean a woody plant which attains the height of at least ten (10) feet at maturity and has a single main stem (trunk).

Tree stand shall mean a group of trees within a woodland at least one (1) acre in area, related in terms of common soils, common species, and related in terms of the size of trees within the overall group.

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

Used or occupied includes the words "intended, designed or arranged to be occupied."

Vehicle means a self-propelled device, or an apparatus or contrivance capable of being towed or otherwise placed in motion by any means, or a free-moving device used for transportation of people, animals, materials or goods of any type.

Vehicle, commercial means a vehicle with a gross vehicle weight commercial plate, as licensed by the Secretary of State and includes the following:

1. All vehicles weighing over 8,000 pounds when empty
2. All semi tractors
3. Trucks weighing 8,000 pounds or less that are towing a trailer or other vehicle for commercial purposes
4. Recreational vehicles with commercial license plates, except recreational vehicles that are not used for the transport of cargo or materials and are not used for commercial purposes.



Vehicles, junk or wrecked means a vehicle that is damaged, deteriorated or with parts missing or that is in the process of being dismantled, destroyed, processed or salvaged and is in a condition that prevents the use of the vehicle for the purpose for which it was manufactured.

Vehicle, inoperable means a vehicle that is not operational and that cannot be used for the purpose for which it was manufactured or a vehicle, whether licensed or unlicensed, that has remained on public or private property and that has not been moved from the property for a period of at least thirty (30) consecutive days.

Veterinary clinic means a place where animals or pets are given medical or surgical treatment with limited short-time boarding incidental to the medical use.

Watercourse means any waterway or other body of water having well-defined banks, including: (1) Rivers, streams, creeks and brooks, whether continually or intermittently flowing; (2) lakes and ponds; or (3) other watercourses as shown on the official township watercourse and wetland map, and the flood boundary-floodway map and flood insurance map which accompanies the flood insurance study for the township, dated September 2, 1982, as may be amended.

Watercraft shall mean a vessel designed for navigation on water including any boat, canoe, catamaran, dinghy, personal watercraft, or similar vessel.

Weathering steel means steel with a protective coating of elements including copper, chromium, and nickel that produce insoluble compounds that clog the pores at the rust/steel interface, thereby forming a stable rust-like appearance if exposed to the weather for several years. Weathering steel is commonly known by one of its brand names, COR-TEN®, but other similarly treated materials are available.

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

Wireless communications:

1. **Collocate/collocation** means to place or install wireless communications equipment on an existing wireless communications support structure, on the facade or rooftop of an existing building, on an existing electrical transmission tower, or in an existing equipment compound, including the modification, replacement and removal of existing wireless communications equipment.
2. **Disturb** means a physical act that will disrupt the environmental conditions of a wetland, woodland, or environmental feature as it exists prior to the physical act.
3. **Eligible facility** means an existing facility that is eligible for a permitted collocation.
4. **Equipment compound** means an area near, adjacent to, or within the base of a wireless communications support structure and within which wireless communications equipment is located, including the building or enclosure housing the equipment.
5. **Existing means** facilities that were constructed prior to the request for collocation, and in compliance with a previous zoning approval and building permit.
6. **Safe fall zone** means a radius of land around a support structure that shall be kept clear of occupied buildings.
7. **Site** means either 1) the area within the current boundaries of a lease area, including any access or utility easements; or 2) the current area approved on the site plan for the wireless communications facilities, including any access or utility easements.
8. **Tolled** means that the time period for a review or approval shall be suspended.
9. **Wireless communications equipment** means the set of equipment and network components used in the provision of wireless communications services including but not limited to: antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
10. **Wireless communications facilities** means the wireless communications equipment, wireless communications support structure, and/or an equipment compound.

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11. **Wireless communications support structure** means a structure that is designed to support, or is capable of supporting wireless communications equipment, including but not limited to: a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or other structure or building.

Woodland shall mean an area shown and identified as woodland on the official woodland map of the township. (The criteria for identifying the mapped woodland areas are: at least three (3) contiguous acres and the existence of canopy coverage over more than one-half of the area or average tree density of thirty (30) square feet of tree trunk area per acre (basal area).)

Woodland construction envelope shall mean the area of direct disturbance in woodland determined under Section 26-3.1.21, anticipated to be caused by clearing or construction activities for buildings, driveways, parking, and/or other activities which cause disturbance to woodland.

Woodland disturbance configuration shall mean the location of permitted clearing or construction activities causing disturbance within a woodland resulting from construction activities such as, but limited to, installation of buildings, roadways, driveways, parking areas, utilities, and retention basins.

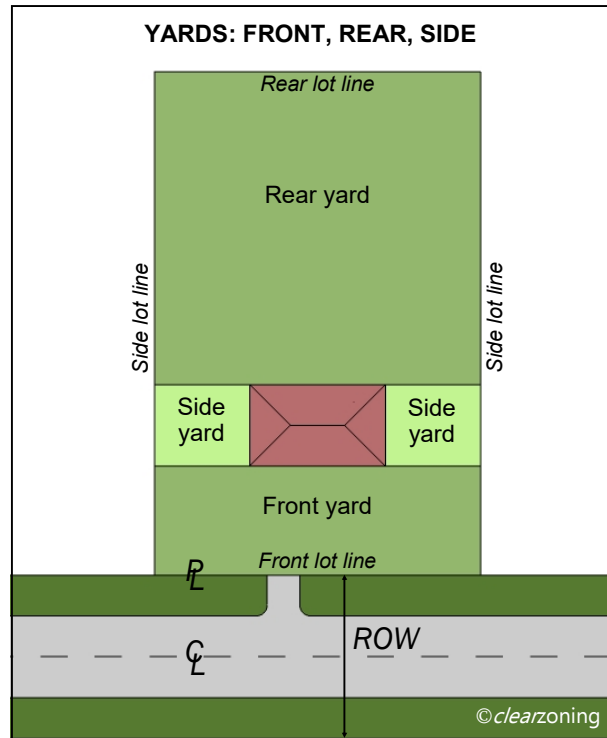
Woodland harvesting is a term to describe the cutting of trees or removal of forest products from woodland.

Woodland preservation area shall mean an area of trees required to be preserved in accordance with a decision of the township following application and review under Section 26-3.1.21 of this chapter.

Woodland tree cutting means any act within a designated woodland area to cut down, remove all or a substantial part of a tree, or damage a tree or other vegetation that will cause the tree or other vegetation to be negatively impacted or die. (Such acts shall include, but shall not be limited to, damage inflicted upon the root system of the vegetation by any equipment and/or vehicles, by the placement of any materials, by changing the natural grade, or by any other alteration of natural physical condition.)

Yards 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.

1. **Front yard** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building or structure.
2. **Rear yard** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building or structure.
3. **Side yard** means an open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



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CHAPTER 26

Article 3.0 Zoning Districts



Chapter 26

Article 3.0 Zoning Districts

- 3.1 Zoning Districts Enumerated
- 3.2 Zoning Map; District Boundaries
- 3.3 Zoning of Vacated Areas
- 3.4 District Requirements
- 3.5 Notes to District Standards
- 3.6 Special District Provisions
- 3.7 Height Limitations
- 3.8 Lots Adjoining Alleys
- 3.9 Projections into Yards
- 3.10 Reserved
- 3.11 Reserved
- 3.12 Development Options




3.0 Zoning Districts

3.1 ZONING DISTRICTS ENUMERATED

For the purpose of this Ordinance, the Township of West Bloomfield is hereby divided into the districts listed below.

1. R-10 Single Family Residential District
2. R-12.5 Single Family Residential District
3. R-15 Single Family Residential District
4. RM Multiple Family Residential District
5. B-1 Local Business District
6. B-2 Community Business District
7. B-3 General Business District
8. B-4 Restricted General Commercial District
9. O-1 Office-Building District
10. O-2 Office-Building District
11. OR-1 Office-Retail District
12. OR-2 Restricted Office-Retail District
13. R-O Research-Office District
14. I-L Limited Industrial District
15. P-1 Vehicular Parking District
16. M-C Medical Campus District
17. I-OP Industrial-Office Park District
18. REC Recreation
19. PRD Planned Recreation Development District
20. Cell Tower Overlay District
21. Woodland Conservation Overlay District
22. Township Center District

 **Digital User Note:**
Click on a district heading to go directly to the corresponding district regulations.

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A. INTENT

The one-family residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the master plan of residential development in the township. The preservation of natural terrain and wooded areas is reflected in the controls set forth in this section.

B. PRINCIPAL USES PERMITTED

- i. One-family detached dwelling[☐]
- ii. Farms[☐]
- iii. Public, parochial and other private elementary schools offering courses in general education and not operated for profit
- iv. Family daycare and group daycare homes[☐]
- v. Non-motorized pathways or trails

C. SPECIAL LAND USES

- i. **Places of worship**[☐] § 4.32
- ii. **Publicly owned and operated libraries, parks, parkways and recreational facilities** § 4.37
- iii. **Municipal office building, police and fire stations** § 4.24
- iv. **Cemeteries** § 4.9
- v. **Public riding and/or boarding stables**[☐] § 4.38
- vi. **Child care centers**[☐] § 4.10
- vii. Utility and public service transformer facilities, regulator stations and uses (without storage yards) when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity
- viii. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit
- ix. **Privately owned and operated parks, picnic groves or similar facilities for outdoor recreation not operated for profit** § 4.31
- x. **Private (nonprofit) swimming pool club**[☐] § 4.34
- xi. Community building or social club intended to serve the nearby residential neighborhood
- xii. **Bed and breakfast establishments**[☐] § 4.6

D. ACCESSORY USES

- i. **Accessory buildings and structures**[☐] § 5.1
- ii. **Home occupations**[☐] § 4.19



R-10 One-Family Residential

3.1.1

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 10,000 sq ft
 Minimum lot width[☐]: 70 ft

Lot Coverage[☐]

Maximum building coverage: 30%
 Maximum impervious surface coverage: 60%

Setbacks[☐]

Minimum front yard setback: 30 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 8 ft (16 ft combined)
 Minimum distance between principal buildings: N/A
 Minimum distance between building and accessory use: 10 ft

Building Height[☐]

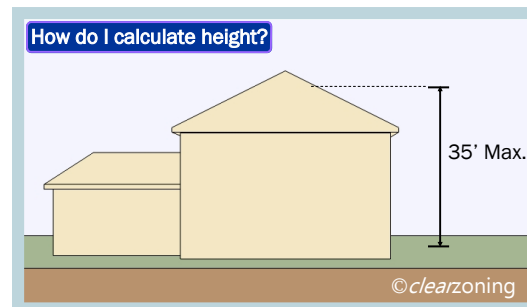
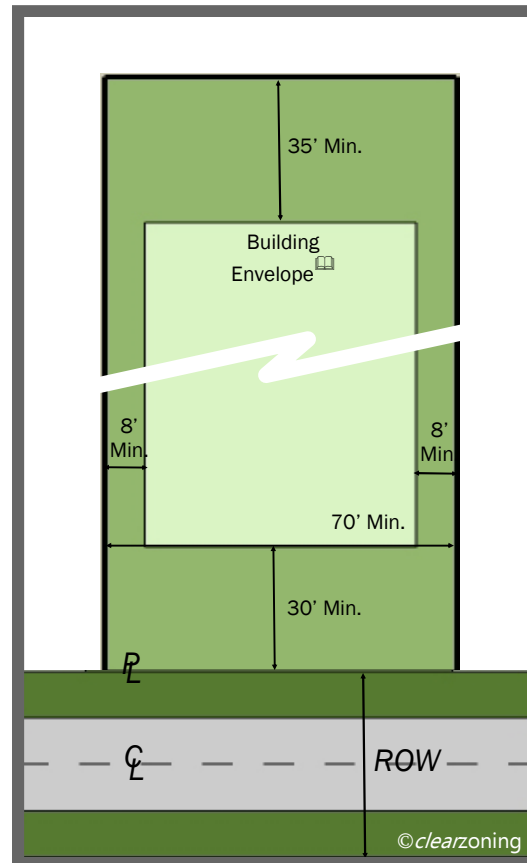
Maximum building height: 35 feet

Per Unit Living Area

Minimum per unit living area:
 1 story: 840 sq ft
 1.5 story: 720 sq ft
 2 story: 600 sq ft

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **A, B, C, D, H, I, M, N, P, Q** and **V**.
- For Development Options, refer to Section 26-3.12: **Subdivision Open Space Plan; Average Lot Sizes; One-Family Clustering** and **Planned Subdivision Option**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Lots Adjoining Alleys** § 3.8
- **Terraces** § 3.11
- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Housing and Keeping of Animals** § 4.20
- **Parking and/or Storage of Commercial Vehicles and Equipment and Merchandise** § 4.30
- **Waterfront property** § 4.50

5. Site Standards

- **Accessory Buildings** § 5.1
- **Condominium Subdivisions** § 5.22

5. Site Standards (Continued)

- **Corner Clearance** § 5.3
- **Driveways** § 5.21
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5
- **Exterior Lighting** § 5.6
- **Garages** § 5.20
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Satellite Dish Antennas** § 5.19

5. Site Standards (Continued)

- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3
- **Condominium Subdivisions** § 6.4

Other Ordinances

- **Wetlands Protection**



A. INTENT

The one-family residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the master plan of residential development in the township. The preservation of natural terrain and wooded areas is reflected in the controls set forth in this section.

B. PRINCIPAL USES PERMITTED

- i. One-family detached dwelling[☐]
- ii. Farms[☐]
- iii. Public, parochial and other private elementary schools offering courses in general education and not operated for profit
- iv. Family daycare and group daycare homes[☐]
- v. Non-motorized pathways or trails

C. SPECIAL LAND USES

- i. **Places of worship**[☐] § 4.32
- ii. **Publicly owned and operated libraries, parks, parkways and recreational facilities** § 4.37
- iii. **Municipal office building, police and fire stations** § 4.24
- iv. **Cemeteries** § 4.9
- v. **Public riding and/or boarding stables**[☐] § 4.38
- vi. **Child care centers**[☐] § 4.10
- vii. Utility and public service transformer facilities, regulator stations and uses (without storage yards) when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity
- viii. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit
- ix. **Privately owned and operated parks, picnic groves or similar facilities for outdoor recreation not operated for profit** § 4.31
- x. **Private (nonprofit) swimming pool club**[☐] § 4.34
- xi. Community building or social club intended to serve the nearby residential neighborhood
- xii. **Bed and breakfast establishments**[☐] § 4.6

D. ACCESSORY USES

- i. **Accessory buildings and structures**[☐] § 5.1
- ii. **Home occupations**[☐] § 4.19



R-12.5 One-Family Residential

3.1.2

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 12,500 sq ft
 Minimum lot width[☐]: 80 ft

Lot Coverage[☐]

Maximum building coverage: 30%
 Maximum impervious surface coverage: 60%

Setbacks[☐]

Minimum front yard setback: 35 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 10 ft (20 ft combined)
 Minimum distance between principal buildings: N/A
 Minimum distance between building and accessory use: 10 ft

Building Height[☐]

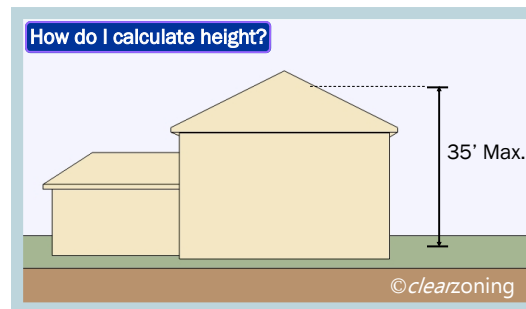
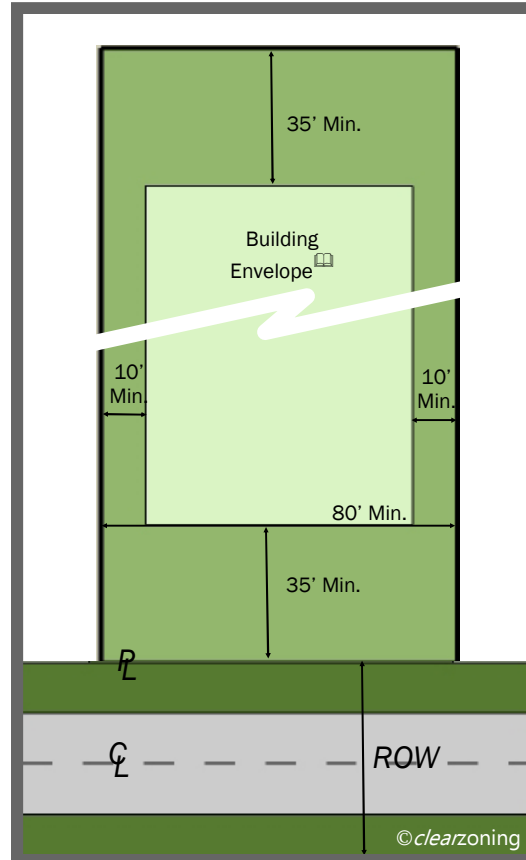
Maximum building height: 35 feet

Per Unit Living Area

Minimum per unit living area:
 1 story: 1200 sq ft
 1.5 story: 900 sq ft
 2 story: 800 sq ft

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **A, B, C, D, H, I, M, N, P, Q** and **V**.
- For Development Options, refer to Section 26-3.12: **Subdivision Open Space Plan; Average Lot Sizes; One-Family Clustering** and **Planned Subdivision Option**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Lots Adjoining Alleys** § 3.8
- **Terraces** § 3.11
- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Housing and Keeping of Animals** § 4.20
- **Parking and/or Storage of Commercial Vehicles and Equipment and Merchandise** § 4.30
- **Waterfront property** § 4.50

5. Site Standards

- **Accessory Buildings** § 5.1
- **Condominium Subdivisions** § 5.22

5. Site Standards (Continued)

- **Corner Clearance** § 5.3
- **Driveways** § 5.21
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5
- **Exterior Lighting** § 5.6
- **Garages** § 5.20
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11

5. Site Standards (Continued)

- **Satellite Dish Antennas** § 5.19
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3
- **Condominium Subdivisions** § 6.4

Other Ordinances

- **Wetlands Protection**



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3.1.3

R-15 One-Family Residential

A. INTENT

The one-family residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the master plan of residential development in the township. The preservation of natural terrain and wooded areas is reflected in the controls set forth in this section.

B. PRINCIPAL USES PERMITTED

- i. One-family detached dwelling[☐]
- ii. Farms[☐]
- iii. Public, parochial and other private elementary schools offering courses in general education and not operated for profit
- iv. Family daycare and group daycare homes[☐]
- v. Non-motorized pathways or trails

C. SPECIAL LAND USES

- i. **Places of worship**[☐] § 4.32
- ii. **Publicly owned and operated libraries, parks, parkways and recreational facilities** § 4.37
- iii. **Municipal office building, police and fire stations** § 4.24
- iv. **Cemeteries** § 4.9
- v. **Public riding and/or boarding stables**[☐] § 4.38
- vi. **Child care centers**[☐] § 4.10
- vii. Utility and public service transformer facilities, regulator stations and uses (without storage yards) when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity
- viii. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit
- ix. **Privately owned and operated parks, picnic groves or similar facilities for outdoor recreation not operated for profit** § 4.31
- x. **Private (nonprofit) swimming pool club**[☐] § 4.34
- xi. Community building or social club intended to serve the nearby residential neighborhood
- xii. **Bed and breakfast establishments**[☐] § 4.6

D. ACCESSORY USES

- i. **Accessory buildings and structures**[☐] § 5.1
- ii. **Home occupations**[☐] § 4.19



R-15 One-Family Residential

3.1.3

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 15,000 sq ft
 Minimum lot width[☐]: 100 ft

Lot Coverage[☐]

Maximum building coverage: 30%
 Maximum impervious surface coverage: 60%

Setbacks[☐]

Minimum front yard setback: 40 ft
 Minimum rear yard setback: 35 ft
 Minimum side yard setback: 12.5 ft (25 ft combined)
 Minimum distance between principal buildings: N/A
 Minimum distance between building and accessory use: 10 ft

Building Height[☐]

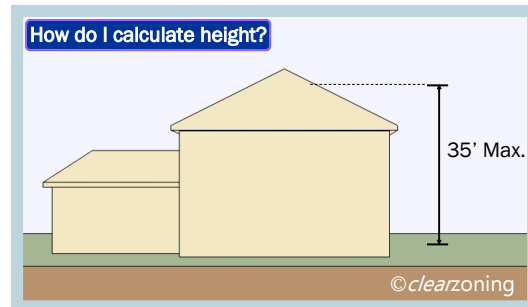
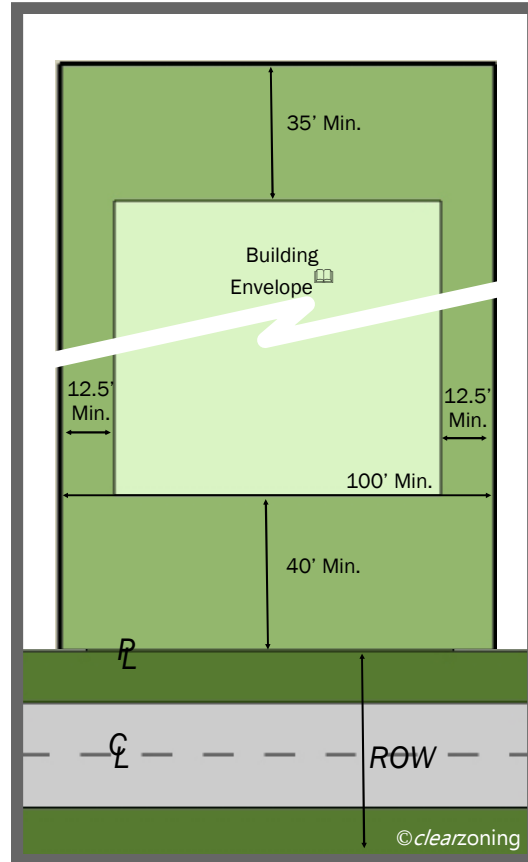
Maximum building height: 35 feet

Per Unit Living Area

Minimum per unit living area:
 1 story: 1,300 sq ft
 1.5 story: 1,100 sq ft
 2 story: 900 sq ft

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **A, B, C, D, H, I, M, N, P, Q** and **V**.
- For Development Options, refer to Section 26-3.12: **Subdivision Open Space Plan; Average Lot Sizes; One-Family Clustering** and **Planned Subdivision Option**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Lots Adjoining Alleys** § 3.8
- **Terraces** § 3.11
- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Housing and Keeping of Animals** § 4.20
- **Parking and/or Storage of Commercial Vehicles and Equipment and Merchandise** § 4.30
- **Waterfront property** § 4.50

5. Site Standards

- **Accessory Buildings** § 5.1
- **Condominium Subdivisions** § 5.22

5. Site Standards (Continued)

- **Corner Clearance** § 5.3
- **Driveways** § 5.21
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5
- **Exterior Lighting** § 5.6
- **Garages** § 5.20
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11

5. Site Standards (Continued)

- **Satellite Dish Antennas** § 5.19
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3
- **Condominium Subdivisions** § 6.4

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3.1.4 RM Multiple-Family Residential

A. INTENT

The RM multiple-family residential districts are designed to provide sites for multiple dwelling structures which may serve as zones of transition between nonresidential uses and lower density single-family districts.

B. PRINCIPAL USES PERMITTED

- i. All principal uses permitted in R-10 through R-15 one-family residential districts and as regulated in the R-10 through R-15 districts in the lot area, yards and flood area requirements equal to at least the requirements of the immediately adjacent one-family residential district
- ii. **Multiple dwellings** [☐] or **apartment buildings** [☐] § 4.23
- iii. Accessory buildings [☐] and uses [☐] customarily incidental to the above permitted uses
- iv. Two-family dwellings/duplexes
- v. Non-motorized pathways or trails
- vi. **Senior independent living** [☐] § 4.45

C. SPECIAL LAND USES

- i. **Nursing and Convalescent Homes** [☐] § 4.26
- ii. **Senior Assisted Living Facility** [☐] § 4.46



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [☐] :	Not Specified
Maximum units per acre:	6
Minimum lot width [☐] :	Not Specified

Lot Coverage[☐]

Maximum lot coverage:	30%
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Setbacks[☐]

Minimum front yard setback:	50 ft
Minimum rear yard setback:	50 ft
Minimum side yard setback:	50 ft (100 ft combined)
Minimum distance between buildings:	Varies (see Special District Provisions below)

Building Height[☐]

Maximum building height:	35 feet
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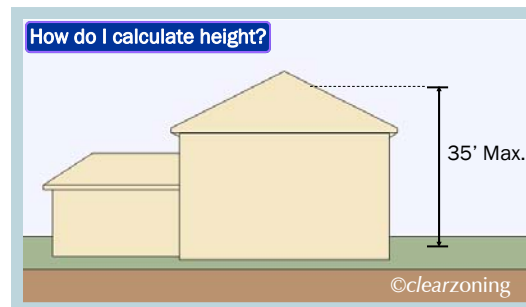
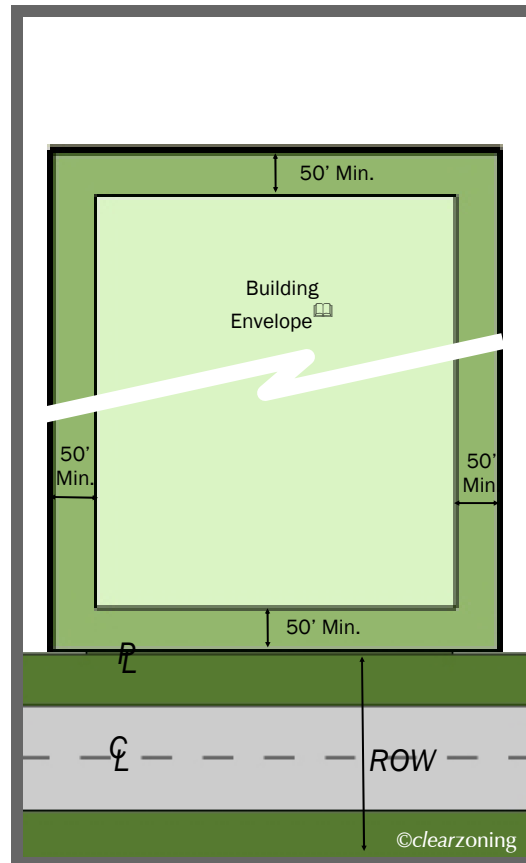
Per Unit Living Area

Minimum living area per unit:	
1 bedroom:	800 sq ft
2 bedroom:	950 sq ft
3+ bedrooms:	1,100 sq ft + 150 sq ft for each additional room over four (4)

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to: Section 26-3.5: **H, I, O, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- [Multiple Dwelling Side Yard](#) § 3.10
- [Terraces, decks and balconies](#) § 3.11
- [Woodland Conservation Overlay](#) § 3.1.21
- [Wireless Communication Facilities](#) § 3.1.20

4. Use Standards

- [Parking and/or storage of commercial vehicles and equipment and merchandise](#) § 4.30
- [Waterfront use](#) § 4.50

5. Site Standards

- [Accessory Buildings](#) § 5.1
- [Corner Clearance](#) § 5.3
- [Environmental Features Setback](#) § 5.4
- [Exterior Appliances](#) § 5.5
- [Exterior Lighting](#) § 5.6
- [Greenbelts and Obscuring Fences / Walls](#) § 5.13
- [Landscaping, Environmental Provisions, and Trees](#) § 5.14
- [Lot Accessibility](#) § 5.7
- [Loading and Unloading](#) § 5.10
- [Parking Space Layout](#) § 5.9
- [Parking Requirements](#) § 5.8

5. Site Standards (Continued)

- [Performance Standards](#) § 5.11
- [Screening Requirements](#) § 5.12
- [Signs](#) § 5.15
- [Site Access](#) § 5.2
- [Trash](#) § 5.16

6. Development Procedures

- [Site Plan Review](#) § 6.1
- [Standards and Procedures for Special Land Uses](#) § 6.2
- [Public Hearing Requirements and Notification Procedures](#) § 6.3

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3.1.5

B-1 Local Business District

A. INTENT

The B-1 local business districts are designed solely for the convenience shopping of persons residing in adjacent residential areas to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the community business center.

B. PRINCIPAL USES PERMITTED

- i. Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware
- ii. Any personal service establishment which performs services, on the premises, for persons residing in adjacent residential areas, such as: shoe repair, tailor shops, beauty parlors or barber shops
- iii. Professional and medical offices
- iv. **Restaurants** [□], **carry-out** and/or standard [□] § 4.8
- v. Personal service establishments [□]
- vi. Other uses similar to the above uses
- vii. Accessory buildings [□] and uses [□] customarily incidental to any kind of the above-permitted uses.
- viii. Non-motorized pathways or trails
- ix. **Accessory massage therapy establishments** [□] § 4.56

C. SPECIAL LAND USES

- i. **Automobile service stations for sale of fuels and lubricants, and minor accessories only, and where no repair work is done, other than incidental service, and not including steam cleaning or undercoating** [□] § 4.4
- ii. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards, water and sewage pumping stations
- iii. **Funeral homes** [□] § 4.16
- iv. **Private clubs or lodge halls** [□] § 4.33
- v. **Places of worship** [□] § 4.32
- vi. Establishments with accessory alcoholic liquor licenses [□]
- vii. **Massage therapy establishments** [□] § 4.56



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 4,000 sq ft
 Minimum lot width[☐]: Not Specified

Lot Coverage[☐]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☐]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 10 ft (20 ft combined)

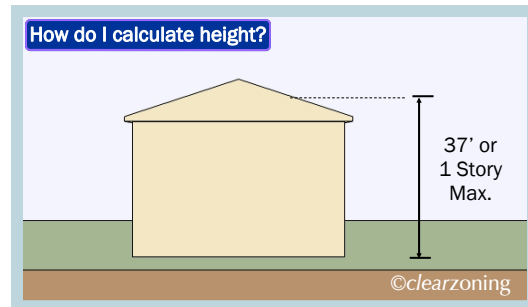
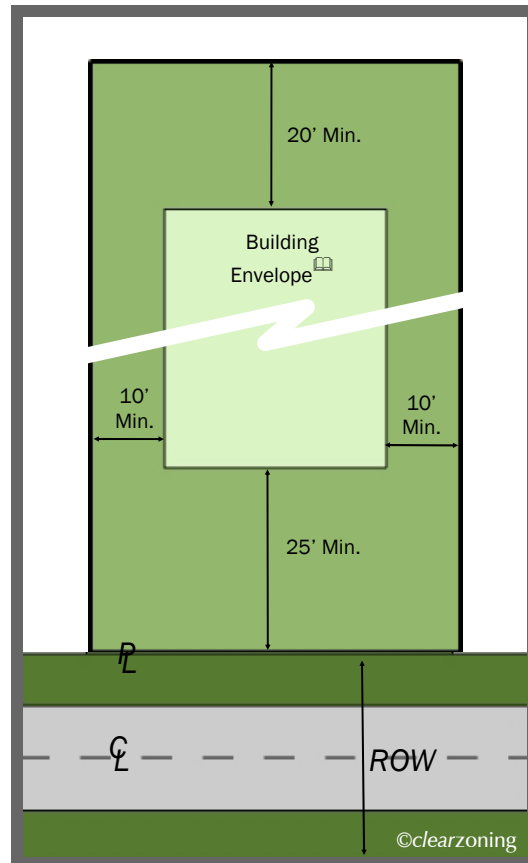
Building Height[☐]

Maximum building height: 37 feet
 Maximum number stories: 1

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **E, F, G, H, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**



- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
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1	Purpose and Introduction
2	Definitions
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3.1.6 B-2 Community Business District

A. INTENT

The B-2 community business districts are designed to cater to the needs of a larger consumer population than served by the restricted local business districts and so are mapped typically in major shopping center locations characterized by large establishments generating large volumes of vehicular and pedestrian traffic.

B. PRINCIPAL USES PERMITTED

- i. Any retail business or service establishment permitted in B-1 districts as principal uses permitted and special land uses (except automobile service stations)
- ii. All retail business, service establishments or processing uses as follows:
 - a. Any retail business whose principal activity is the sale of merchandise in an enclosed building
 - b. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, printer or upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction and similar service establishments that require a retail adjunct
 - c. Private clubs or lodge halls
 - d. **Restaurants**[☐], **carry-out** and/or standard § 4.8
 - e. Establishments with accessory alcoholic liquor licenses[☐]
 - f. Theaters, assembly halls, concert halls or similar places of assembly (when conducted completely within enclosed buildings)
 - g. Places of worship[☐]
- iii. Other uses similar to the above uses
- iv. Accessory buildings[☐] and uses[☐] customarily incidental to any of the above-permitted uses
- v. Non-motorized pathways or trails
- vi. **Accessory massage therapy establishments** § 4.56
- vii. **Pet Boarding Facilities** § 4.52

C. SPECIAL LAND USES

- i. **Massage therapy establishments** § 4.56
- ii. **Restaurants with Drive-Through Facilities**[☐] § 4.14



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 4,000 sq ft
 Minimum lot width[☐]: Not specified

Lot Coverage[☐]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☐]

Minimum front yard setback: 75 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 10 ft (20 ft combined)

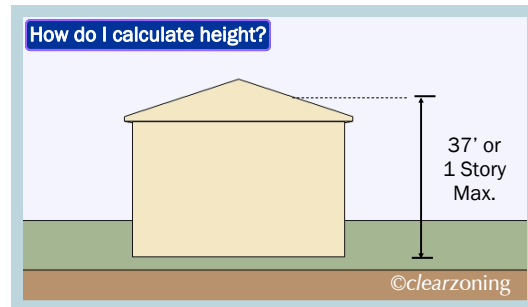
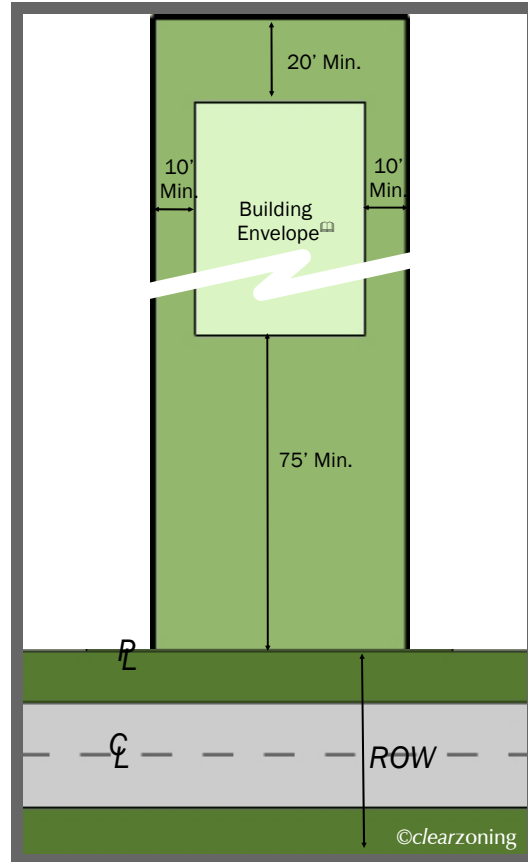
Building Height[☐]

Maximum building height: 37 feet
 Maximum number stories: 1

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **E, F, G, H, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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A. INTENT

The B-3 general business districts are designated to furnish areas served typically by the community business district with a variety of automotive services and goods incompatible with the uses in the community business district and not permitted herein. The general business districts are characterized by more diversified business types and are often located so as to serve passing traffic.

B. PRINCIPAL USES PERMITTED

- i. Any retail business or service establishment permitted in B-1 and B-2 districts as principal uses permitted and special land uses
- ii. Business schools or private schools operated for profit
- iii. **Automobile service stations** § 4.4
- iv. New car office, sales or showroom (when completely enclosed)
- v. Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations and service yards but not including outdoor storage
- vi. Clinics
- vii. Veterinary clinics[□] (when conducted completely within an enclosed building)
- viii. **Restaurants[□], carry-out** and/or standard § 4.8
- ix. Establishments with accessory alcoholic liquor licenses[□]
- x. **Fortune telling for payment[□]** § 4.55
- xi. **Sexually oriented businesses[□]** § 4.54
- xii. Other uses similar to the above uses
- xiii. Accessory buildings[□] and uses[□] customarily incidental to any of the above-permitted uses
- xiv. Non-motorized pathways or trails
- xv. **Accessory massage therapy establishments** § 4.56

C. SPECIAL LAND USES

- i. **Outdoor sales space for sale or rental of new or used automobiles, house, camp or utility trailers** § 4.28
- ii. **Motel** § 4.22
- iii. **Business in the character of a drive-in, so-called, or so-called open-front store[□]** § 4.13
- iv. **Auto wash** § 4.5
- v. Bus passenger stations
- vi. **Restaurants[□], drive-in** § 4.14
- vii. **Pawnshops[□]** § 4.53
- viii. **Pool and billiard halls[□]** § 4.53
- ix. **Second hand dealers[□]** § 4.56
- x. **Smoking lounges[□]** § 4.53
- xi. **Tattoo and body art facilities[□]** § 4.53
- xii. **Tobacco retail store[□]** § 4.53
- xiii. **Tobacco retail specialty store[□]** § 4.53
- xiv. Other uses similar to the above uses
- xv. Accessory buildings[□] and uses[□] customarily incidental to any of the above permitted uses
- xvi. **Massage therapy establishments** § 4.56



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 4,000 sq ft
 Minimum lot width[☐]: Not specified

Lot Coverage[☐]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☐]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 10 ft (20 ft combined)

Building Height[☐]

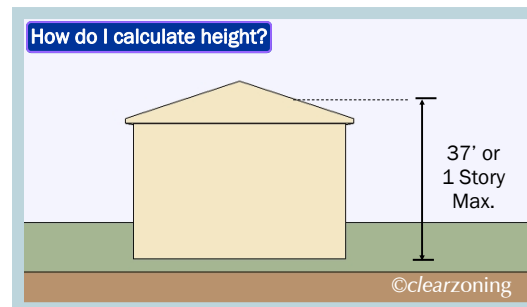
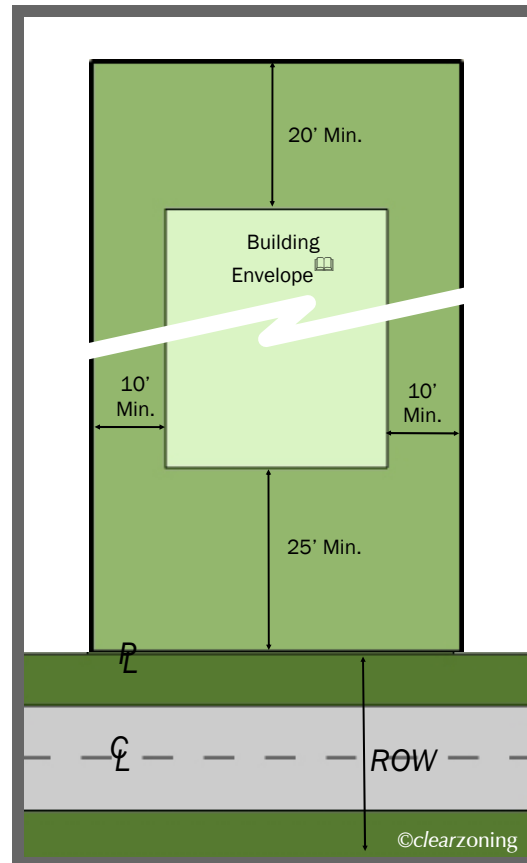
Maximum building height: 37 feet
 Maximum number stories: 1

Per Unit Living Area

Minimum per unit living area:

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **E, F, G, H, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
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- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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3.1.8 B-4 Restricted General Commercial District

Purpose and Introduction

1

Definitions

2

Zoning Districts

3

Use Standards

4

Site Standards

5

Development Procedures

6

Admin and Enforcement

7

A. INTENT

The intent of the B-4 restricted general commercial district is to provide a uniform set of regulations that will provide for and encourage retail and office development in the Union Lake business district, which lies within four (4) distinct municipalities, West Bloomfield Charter Township, Commerce Township, White Lake Township and Waterford Township. It is intended that the Union Lake business district develop in accordance with a small town theme, with emphasis on preservation and enhancement of landscaping and natural areas. The Union Lake business district should contain diverse types of retail and office businesses, including automotive services and goods, but it is not intended that the district become an intensive, high volume commercial strip. Pursuant to these purposes, the regulations contained in this section permit commercial uses that are appropriate in scale and intensity with the small town theme, but restrict or prohibit high intensity uses. The standards of this zoning district are intended to be unique to the Union Lake area and are not applicable to other than the Union Lake area of the township. These regulations pertaining to area and bulk requirements, parking, signage, screening and landscaping are intended to conform with a similar zoning district classification in the four (4) adjacent townships, to enhance cooperation between jurisdictions and to further the small town theme and protect adjacent residential development.

B. PRINCIPAL USES PERMITTED

- i. Any retail business or service establishment which supplies commodities on the premises in an enclosed building. Permitted uses may include businesses that supply groceries, meats, dairy products, baked goods, other foods, drugs, dry goods, clothing, furniture, hardware and similar products
- ii. Any service establishment which performs services on the premises including beauty parlors, barbershops, tailor shops, or shoe repair, decorator, dressmaker, printer, upholsterer, home appliance repair and similar products
- iii. Professional and medical offices
- iv. Banks, savings and loan institutions, and other financial office buildings
- v. **Restaurants** [□], **carry-out** and/or standard, provided alcoholic beverages are not sold or consumed on premises unless otherwise permitted by law ^{§ 4.8}
- vi. Establishments with accessory alcoholic liquor licenses [□]
- vii. Places of Worship [□]
- viii. Governmental offices
- ix. Physical culture or health service facilities
- x. Radio or television studios
- xi. Bus passenger stations
- xii. Required off-street parking and loading
- xiii. **Signs** [□] ^{§ 5.15}
- xiv. Other uses similar to the above uses
- xv. Accessory buildings [□] and uses [□] customarily incidental to any kind of the above-permitted uses
- xvi. Non-motorized pathways or trails
- xvii. **Accessory massage therapy establishments** [□] ^{§ 4.56}
- iii. **Pet Boarding Facilities** [□] ^{§ 4.52}

C. SPECIAL LAND USES

- i. **Automobile service stations for sale of fuel, lubricants and minor accessories only, and for incidental repair work** [□] ^{§ 4.4}
- ii. **Car wash establishments (when completely enclosed within a building)** [□] ^{§ 4.5}
- iii. Automotive service garages of every kind which do not require the overnight storage of cars, such as rustproofing, transmission shops and bump/paint shops
- iv. Public utility buildings, public service facilities, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and similar public uses, excluding storage yards and water and sewer pumping stations(1). **An obscuring wall or fence or landscaped buffer shall be provided in accordance with the provisions in** [□] ^{§ 5.12}, to serve as a buffer between the utility and adjacent uses.
- v. **Funeral homes** [□] ^{§ 4.16}
- vi. Private clubs and lodge halls
- vii. **Open-air businesses** [□] ^{§ 4.27}
- viii. **Bowling alleys, dance halls, gymnasiums and similar recreation or entertainment facilities** [□] ^{§ 4.7}
- ix. **Restaurants** [□], **drive-in** [□] ^{§ 4.14}
- x. Restaurants with Drive Through Facilities [□]
- xi. **Veterinary hospitals or clinics** [□] ^{§ 4.49}
- xii. **Motel** [□] ^{§ 4.22}
- xiii. New or used car sales office or showroom (when completely enclosed)
- xiv. **Massage therapy establishments** [□] ^{§ 4.56}



B-4 Restricted General Commercial District 3.1.8

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 4,000 sq ft
 Minimum lot width[☐]: Not specified

Lot Coverage[☐]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☐]

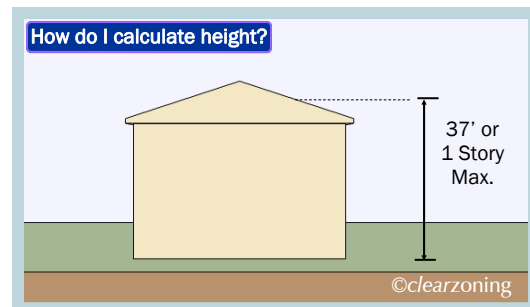
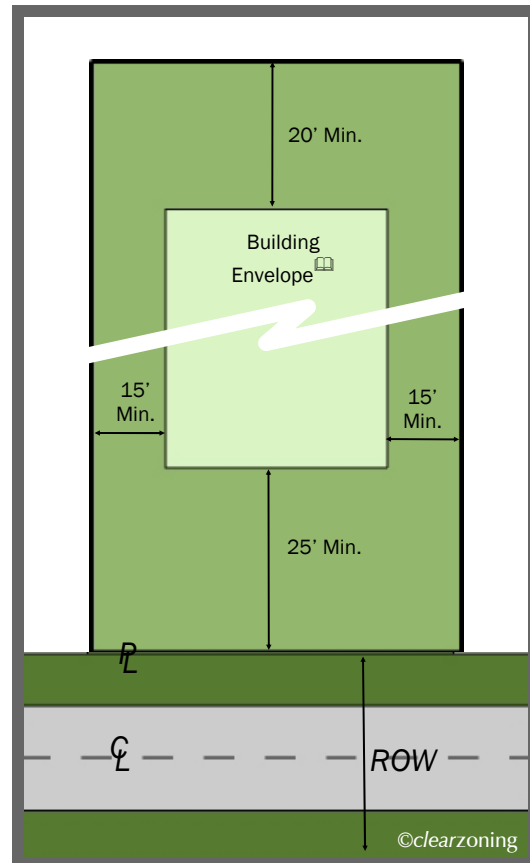
Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 15 ft (30 ft combined)

Building Height[☐]

Maximum building height: 35 feet
 Maximum number stories: 1

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **G, H, J** and **Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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3.1.9 O-1 Office Building District

A. INTENT

The O-1 and O-2 office building districts are designed to accommodate office uses, office sales uses and basic personal services. The O-1 district is intended to accommodate a lower intensity of office use and to serve as a transitional zone to abutting single-family districts.

B. PRINCIPAL USES PERMITTED

C. SPECIAL LAND USES

- i. Professional and medical offices
- ii. Public owned buildings, transformer stations, exchanges, substations and public utility offices, but not including storage yards
- iii. Other uses similar to the above uses
- iv. Accessory buildings[§] and uses[§] customarily incidental to any of the above permitted uses
- v. Non-motorized pathways or trails
- vi. **Accessory massage therapy establishments**
§ 4.56

- i. None Listed



O-1 Office Building District

3.1.9

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☒]: 4,000 sq ft
 Minimum lot width[☒]: Not specified

Lot Coverage[☒]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☒]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 10 ft (20 ft combined)

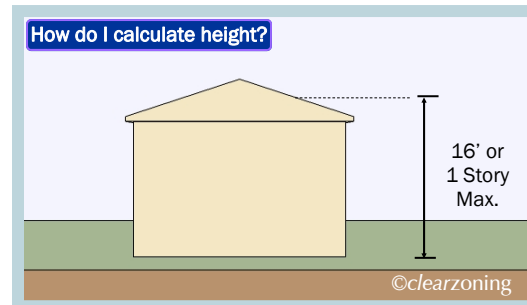
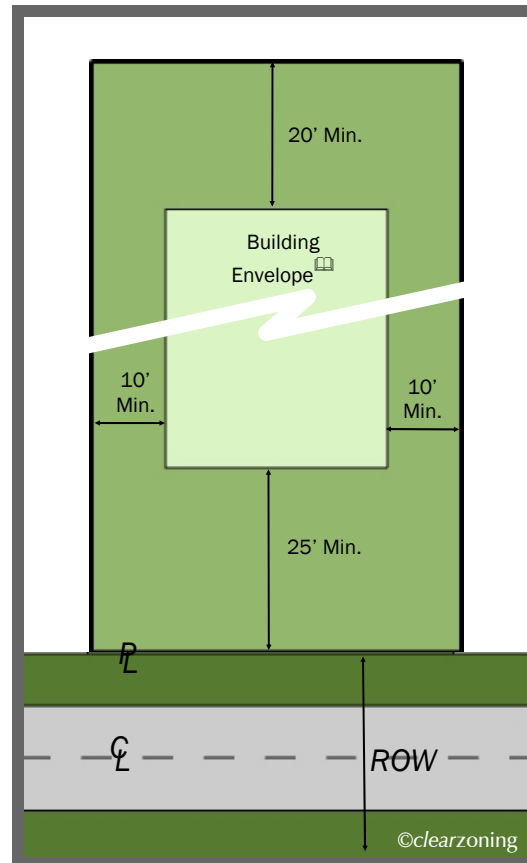
Building Height[☒]

Maximum building height: 16 feet
 Maximum number stories: 1

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **E, F, G, H, L, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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5 Site Standards

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A. INTENT

The O-1 and O-2 office building districts are designed to accommodate office uses, office sales uses and basic personal services. The O-1 district is intended to accommodate a lower intensity of office use and to serve as a transitional zone to abutting single-family districts.

B. PRINCIPAL USES PERMITTED

- i. Professional and medical offices
- ii. Public owned buildings, transformer stations, exchanges, substations and public utility offices, but not including storage yards
- iii. Other uses similar to the above uses
- iv. Accessory buildings[§] and uses[§] customarily incidental to any of the above permitted uses
- v. Non-motorized pathways or trails
- vi. **Accessory massage therapy establishments** § 4.56

C. SPECIAL LAND USES

- i. **Funeral homes**[§] § 4.15
- ii. **Private clubs or lodge halls, tennis or racquet court facility** § 4.33
- iii. **Places of worship**[§] § 4.32
- iv. Banks, credit unions, savings and loan associations and similar uses
- v. **Veterinary clinics**[§] § 4.49
- vi. **Senior assisted living**[§] § 4.46

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 4,000 sq ft
 Minimum lot width[☐]: None specified

Lot Coverage[☐]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☐]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 10 ft (20 ft combined)

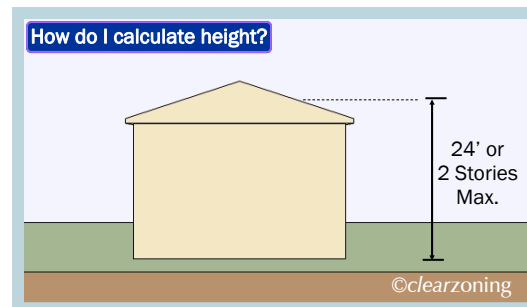
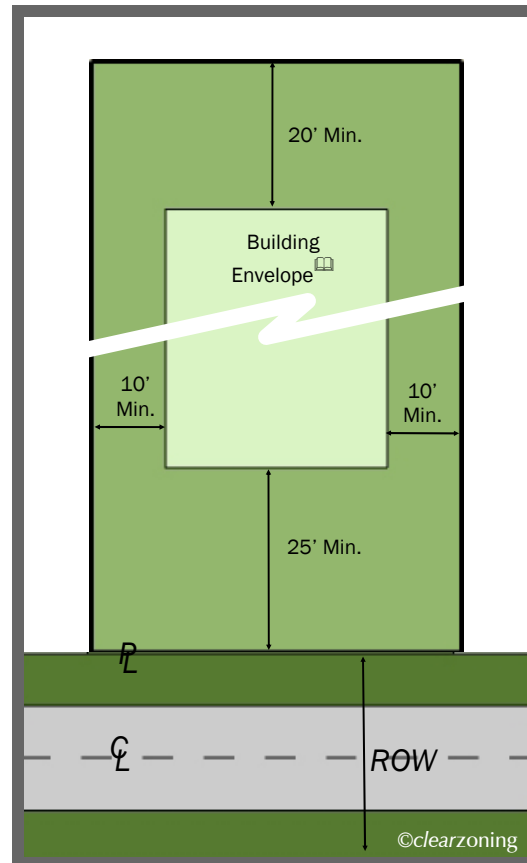
Building Height[☐]

Maximum building height: 24 feet
 Maximum number stories: 2

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **E, F, G, H, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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3.1.11 OR-1 Office Retail District

A. INTENT

The OR-1 office retail districts are designed to accommodate large office buildings and to permit selected personal services or retail businesses when the office floor space is large enough to provide a significant portion of the demand for the personal services or retail business. The district is not intended to serve as a zone of transition between one-family residential districts and nonresidential districts.

B. PRINCIPAL USES PERMITTED

- i. Professional and medical offices
- ii. Public owned buildings, transformer stations, exchanges, substations and public utility offices, but not including storage yards
- iii. Banks, credit unions, savings and loan associations and similar uses
- iv. Clubs[☐] and their ancillary uses whose activity is not carried on as a business
- v. Establishments with accessory alcoholic liquor licenses[☐]
- vi. Places of Worship[☐]
- vii. Other uses similar to the above uses
- viii. Accessory structures[☐] and uses[☐] customarily incidental to the above-permitted uses
- ix. Non-motorized pathways or trails
- x. **Accessory massage therapy establishments**
§ 4.56

C. SPECIAL LAND USES

- i. Restaurants[☐], standard when located in an office building and not as a freestanding structure
- ii. **Retail and personal service uses** § 4.40
- iii. **Massage therapy establishments** § 4.56



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 4,000 sq ft
 Minimum lot width[☐]: None Specified

Lot Coverage[☐]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☐]

Minimum front yard setback: 25 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 10 ft (20 ft combined)

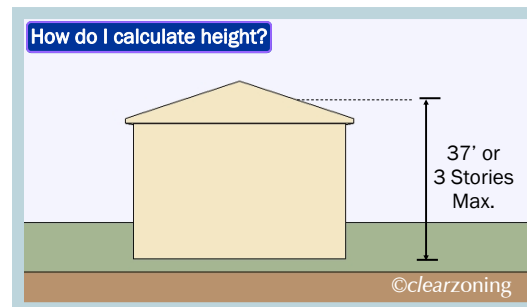
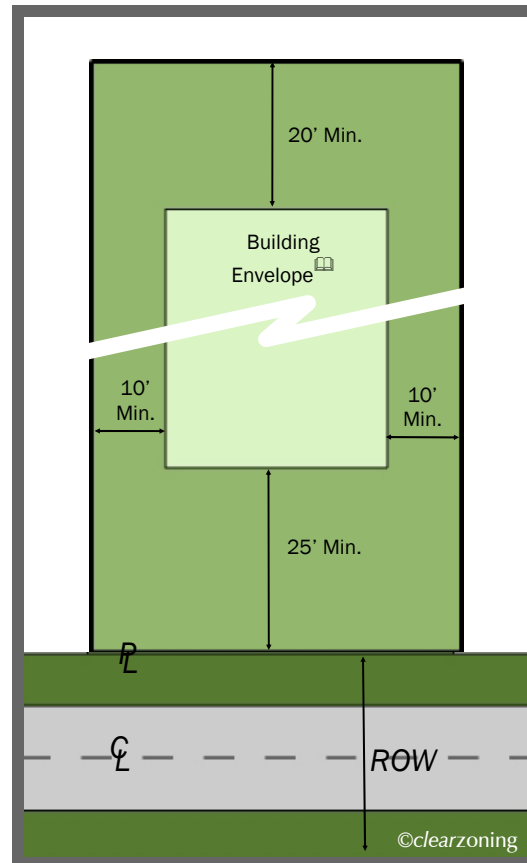
Building Height[☐]

Maximum building height: 37 feet
 Maximum number stories: 3

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **E, F, G, H, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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3.1.12 OR-2 Restricted Office Retail District

A. INTENT

The OR-2 restricted office-retail districts are designed to provide a location for diversified office and business uses having little interdependence on other business activities and generally serving thoroughfare traffic, and having a continuity of design and functional amenities including service roads.

B. PRINCIPAL USES PERMITTED

- i. **Funeral homes** § 4.16
- ii. Private clubs or lodge halls
- iii. Establishments with accessory alcoholic liquor licenses[□]
- iv. Business schools or private schools operated for profit
- v. Professional and medical offices
- vi. Medical laboratories
- vii. Veterinary clinics[□] (when completely enclosed within a building)
- viii. **Motels** § 4.22
- ix. Other uses similar to the above uses
- x. Accessory uses[□] customarily incidental to any of the above-permitted uses
- xi. Non-motorized pathways or trails
- xii. **Accessory massage therapy establishments** § 4.56

C. SPECIAL LAND USES

- i. **New car office, salesroom or showroom (when completely enclosed)** § 4.25
- ii. Bowling alleys and other large recreational structures
- iii. Theaters, playhouses, concert halls, coffee houses and similar establishments providing professional entertainment
- iv. Assembly halls, banquet facilities and similar places of assembly
- v. Places of Worship[□]
- vi. Restaurants[□], standard when located in an office building and not as a freestanding structure
- vii. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but without storage yards, water and sewage pumping stations
- viii. **Retail uses** § 4.42
- ix. **Massage therapy establishments** § 4.56



OR-2 Restricted Office Retail District 3.1.12

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: None Specified
 Minimum lot width[☐]: None Specified

Lot Coverage[☐]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☐]

Minimum front yard setback: 100 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 22 ft (44 ft combined)

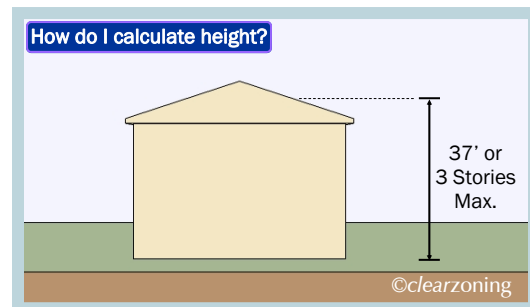
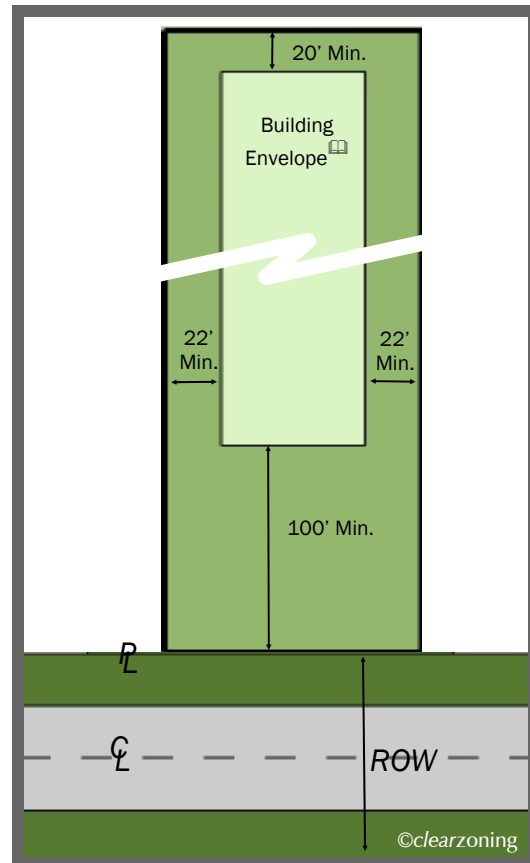
Building Height[☐]

Maximum building height: 37 feet
 Maximum number stories: 3

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **E, F, G, H, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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A. INTENT

The area devoted to research-office is so delineated as to provide for a community of research facilities rather than for a single research establishment and to exclude therefrom such incongruous uses as residential, business and industrial. The R-O research-office districts are designed to ensure the compatibility between the research operations therein and the existing activities and character of the community in which the center is located.

B. PRINCIPAL USES PERMITTED

- i. Any use charged with the principal function of basic research, design, and pilot or experimental product development
- ii. Any use charged with the principal function of technical training
- iii. Any use as permitted in the O-1 district as principal uses permitted and subject to all the requirements of the O-1 district
- iv. **Clinics** § 4.11
- v. **General hospitals** § 4.17
- vi. Accessory buildings and uses customarily incidental to any of the above-permitted uses
- vii. Non-motorized pathways or trails
- viii. **Accessory massage therapy establishments** § 4.56
- ix. **Nursing and convalescent homes** § 4.26
- x. **Senior assisted living facility** § 4.46

C. SPECIAL LAND USES

- i. None Listed



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: None Specified
 Minimum lot width[☐]: None Specified

Lot Coverage[☐]

Maximum lot coverage: Governed by use, off-street parking requirements and landscaping

Setbacks[☐]

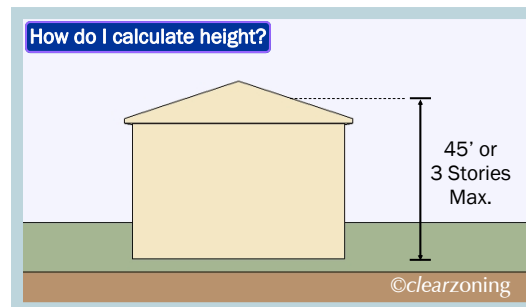
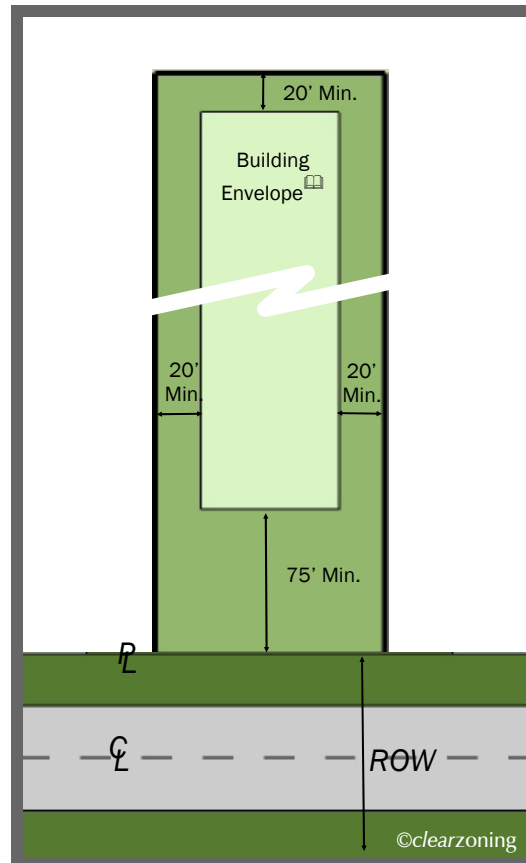
Minimum front yard setback: 75 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 20 ft (40 ft combined)

Building Height[☐]

Maximum building height: 45 feet
 Maximum number stories: 3

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **E, F, G, H, and Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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3.1.14

I-L Limited Industrial District

A. INTENT

The I-L Limited Industrial district is designed so as to primarily accommodate wholesale activities, warehouses and industrial operations whose external, physical effects are restricted to the area of the district and in no manner in a detrimental way any of the surrounding districts.

B. PRINCIPAL USES PERMITTED

- i. Warehousing and wholesale establishments and trucking facilities § 4.21
- ii. The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops § 4.21
- iii. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious 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 § 4.21
- iv. The manufacture of pottery and figures or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas § 4.21
- v. Manufacture of musical instruments, toys, novelties and metal or rubber stamps or other small molded rubber products § 4.21
- vi. Manufacture or assembly of electrical appliances, electronic instruments and devices, radio and phonographs § 4.21
- vii. Laboratories—experimental, film or testing § 4.21
- viii. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like § 4.21
- ix. Warehouse, storage and transfer and electric, telephone and gas service buildings and yards; water supply and sewage disposal plants; water and gas tank holder; railroad transfer and

B. PRINCIPAL USES PERMITTED (CONTINUED)

- storage tracks; heating and electric power generating plants and all necessary uses; railroad rights-of-way § 4.21
- x. Building material storage and sales § 4.21
- xi. Non-accessory signs
- xii. Automobile repair[□] garage
- xiii. Other uses similar to the above
- xiv. Accessory buildings[□] and uses[□] customarily incidental to the principal use
- xv. Non-motorized pathways or trails

C. SPECIAL LAND USES

- i. Retail uses which have an industrial character § 4.43



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: None Specified
 Minimum lot width[☐]: None Specified

Lot Coverage[☐]

Maximum lot coverage: 35%

Setbacks[☐]

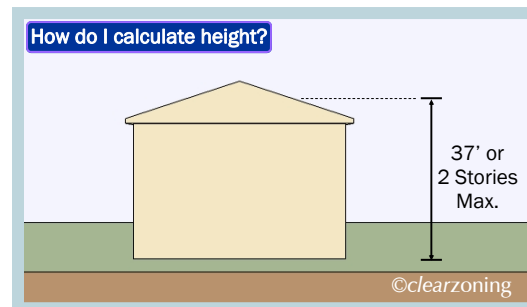
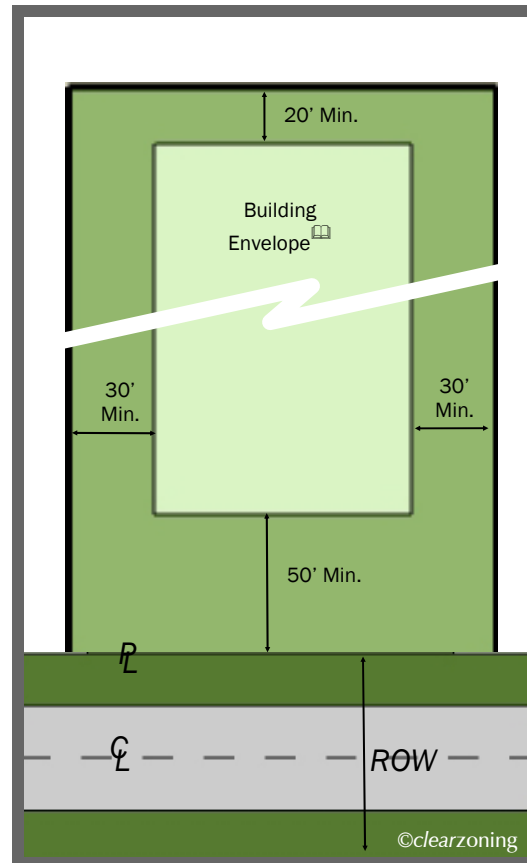
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 30 ft (60 ft combined)

Building Height[☐]

Maximum building height: 37 feet
 Maximum number stories: 2

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **Q** and **U**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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3.1.15

P-1 Vehicular Parking District

A. INTENT

The P-1 vehicular parking districts are designed to accommodate the off-street parking for those uses which are not able to provide adequate space within their own district boundaries.

B. PRINCIPAL USES PERMITTED

- i. Off-street parking
- ii. Non-motorized pathways or trails

C. SPECIAL LAND USES

- i. None Listed



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 6,000 sq ft
 Minimum lot width[☐]: None Specified

Setbacks[☐]

Minimum front yard setback for parking contiguous to a residential district: 25 ft or the required setback for the district, whichever is greater (see Special District Provisions)

Minimum rear yard setback: Not Specified
 Minimum side yard setback: Not Specified

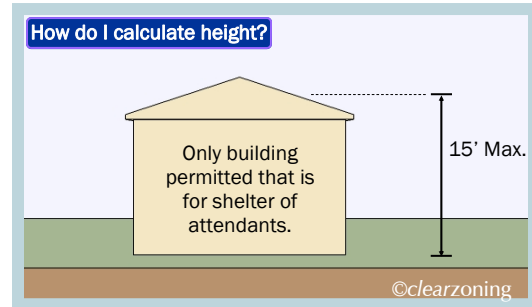
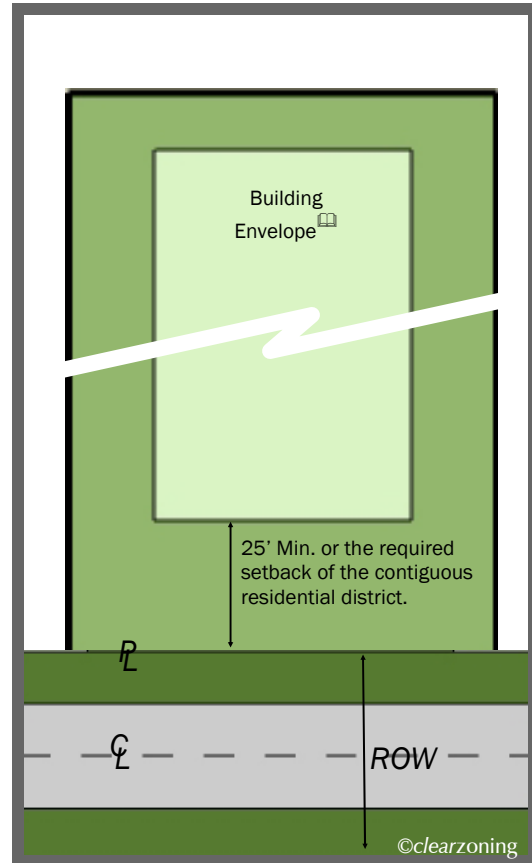
Building Height[☐]

Maximum building height: 15 ft

Special District Provisions (Sec. 26-3.6)

NOTES

- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- Woodland Conservation Overlay § 3.1.21
- Wireless Communication Facilities § 3.1.20

4. Use Standards

- Uses Not Otherwise Included Within Specific Use District § 4.48

5. Site Standards

- Accessory Buildings § 5.1
- Corner Clearance § 5.3
- Environmental Features Setback § 5.4
- Exterior Appliances § 5.5

5. Site Standards (Continued)

- Exterior Lighting § 5.6
- Greenbelts and Obscuring Fences / Walls § 5.13
- Landscaping, Environmental Provisions, and Trees § 5.14
- Lot Accessibility § 5.7
- Loading and Unloading § 5.10
- Parking Space Layout § 5.9
- Parking Requirements § 5.8
- Performance Standards § 5.11
- Screening Requirements § 5.12
- Signs § 5.15
- Site Access § 5.2
- Trash § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Standards and Procedures for Special Land Uses § 6.2
- Public Hearing Requirements and Notification Procedures § 6.3

Other Ordinances

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3.1.16 M-C Medical Campus District

A. INTENT

The purpose of the M-C medical campus district is to establish areas within the township which will provide location for medical service institutions and their accessory uses in a manner compatible with existing and/or future residential development. This M-C district by virtue of height restrictions, open space requirements, yard setbacks, screening of parking and similar restrictions will insure generous spatial relationships between the institutional service use and single family or multiple-family land use. The M-C medical campus district is not considered a transitional zone and is suited for the preservation of natural amenities which may occur on the site through the open space requirements

B. PRINCIPAL USES PERMITTED

C. SPECIAL LAND USES

- i. Medical institution use to include such activities as clinics and medical research
- ii. **General hospitals** § 4.17
- iii. Accessory buildings and uses customarily incidental to any of the above permitted use which may include a pharmacy, gift and flower shop, and recuperative housing
- iv. Non-motorized pathways or trails
- v. Nursing and convalescent homes
- vi. **Senior assisted living facility** § 4.46

- i. None Listed



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 50 acres
 Minimum frontage[☐]: 800 ft

Lot Coverage[☐]

Maximum lot coverage: 1:7 Floor Area Ratio;
 23% impervious coverage of gross land area

Setbacks[☐]

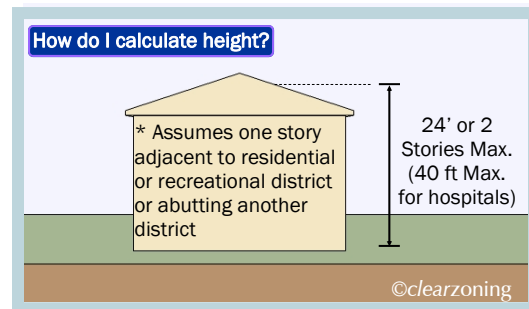
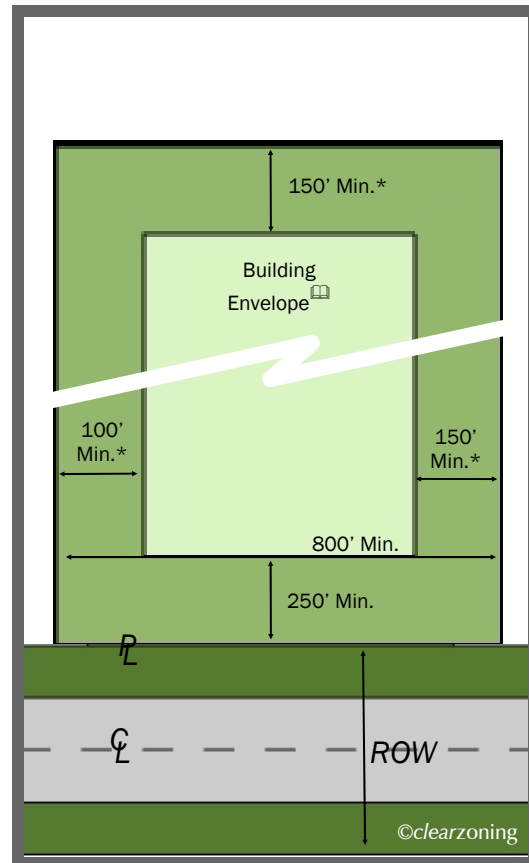
Minimum setback from existing or proposed right-of-way: 250 ft
 Minimum building setbacks:
 ■ Abutting a residential or recreational district
 - One story: 150 ft
 - More than one story: 250 ft
 ■ Abutting all other districts: 150 ft

Building Height[☐]

Maximum building height: 24 feet (40 feet for hospitals)
 Maximum number stories: 2

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **Q, R, S, T** and **W**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
- **Parking Space Layout** § 5.9
- **Parking Requirements** § 5.8
- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
- **Trash** § 5.16

6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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3.1.17 I-OP Industrial-Office Park District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

Admin and Enforcement

A. INTENT

The Industrial-Office Park District is designed to accommodate a variety of light industrial, applied technology, research and related office uses within a subdivision setting. The use of this specialized district is intended to provide a campus environment through the coordinated application of development standards such as building height, gross area coverage, signage, landscaping and other unifying elements. The use permitted in this district and the application of required development standards will create compatible and orderly development of the area and will promote both safe and convenient vehicular and pedestrian traffic.

B. PRINCIPAL USES PERMITTED

- i. Uses primarily engaged in research activities, including, but not limited to, research laboratories and facilities and pilot or experimental product development
- ii. Light manufacturing, research, assembly, testing and repair of components, devices, equipment and systems and parts and components such as, but not limited to, the following examples:
 - a. Communication, transmission and reception equipment such as coils, tubes, semiconductors, navigation control equipment and systems guidance equipment
 - b. Data processing equipment and systems
 - c. Graphics and art equipment
 - d. Metering instruments
 - e. Optical devices, equipment and systems
 - f. Phonographic, audio units, radio equipment and television equipment
 - g. Photographic equipment
 - h. Radar, infrared and ultraviolet equipment and systems
 - i. Scientific and mechanical instruments such as calipers and transits
 - j. Testing equipment
- iii. Light manufacturing, compounding, procession, packaging or treatment of such products, as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops
- iv. Light manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials such as, but not limited to, bone, canvass,

B. PRINCIPAL USES PERMITTED (CONTINUED)

- cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders, bumpers or bodies), shell, textiles, tobacco, wax, wire, wood and yarns
- v. Distribution and warehousing facilities not including self-service warehouses
- vi. Professional and medical office buildings
- vii. Blueprinting, photostating, photoengraving, printing, publishing and bookbinding
- viii. **Fortune telling for payment** § 4.55
- ix. **Registered animal shelters** § 4.51
- x. **Pet boarding facility** § 4.52
- xi. **Sexually oriented businesses** § 4.54
- xii. Establishments with accessory alcoholic liquor licenses
- xiii. Non-motorized pathways or trails

C. SPECIAL LAND USES

- i. **Retail uses** § 4.41



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 2 Acres
 Minimum lot width[☐]: None Specified

Lot Coverage[☐]

Maximum lot coverage: 35%

Setbacks[☐]

Minimum front yard setback: 50 ft
 Minimum rear yard setback: 20 ft
 Minimum side yard setback: 30 ft (60 ft combined)

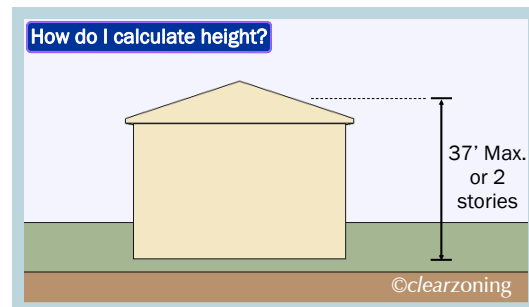
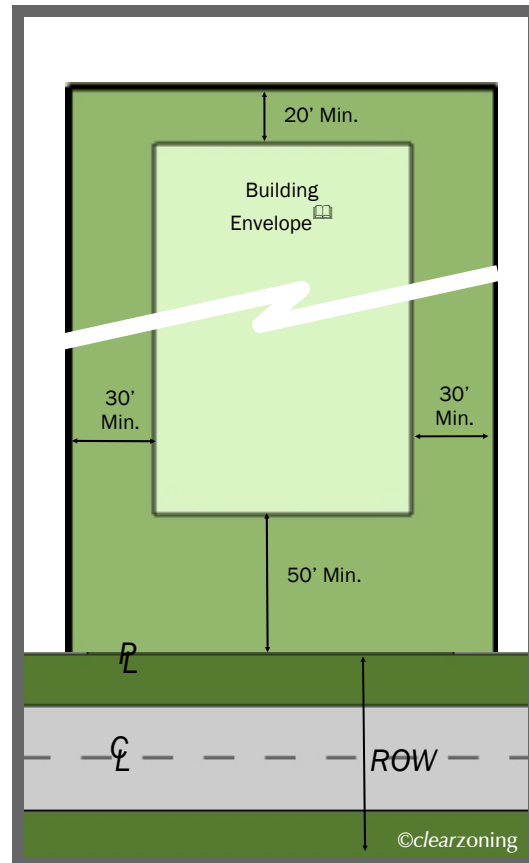
Building Height[☐]

Maximum building height: 37 feet
 Maximum number stories: 2

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **Q** and **U**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- **Woodland Conservation Overlay** § 3.1.21
- **Wireless Communication Facilities** § 3.1.20

4. Use Standards

- **Uses Not Otherwise Included Within Specific Use District** § 4.48

5. Site Standards

- **Accessory Buildings** § 5.1
- **Corner Clearance** § 5.3
- **Environmental Features Setback** § 5.4
- **Exterior Appliances** § 5.5

5. Site Standards (Continued)

- **Exterior Lighting** § 5.6
- **Greenbelts and Obscuring Fences / Walls** § 5.13
- **Landscaping, Environmental Provisions, and Trees** § 5.14
- **Lot Accessibility** § 5.7
- **Loading and Unloading** § 5.10
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- **Performance Standards** § 5.11
- **Screening Requirements** § 5.12
- **Signs** § 5.15
- **Site Access** § 5.2
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6. Development Procedures

- **Site Plan Review** § 6.1
- **Standards and Procedures for Special Land Uses** § 6.2
- **Public Hearing Requirements and Notification Procedures** § 6.3

Other Ordinances

- **Wetlands Protection**

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A. INTENT

In recognition of the need and demand for recreational land and water, the REC Recreational District is designed and intended to: Provide areas in the township for these uses; to provide a balance and variety of both passive and active recreational uses; to serve the increasing size and diversity of the township's population; to provide the necessary standards to assure that these uses are compatible with surrounding land uses and in keeping with the master plan for future land use; and to maximize conservation of valuable natural resources and open space while concurrently permitting reasonable use of land. It is intended that land and water areas classified under this district may be owned and/or operated by governmental entities and/or private entities and land so zoned and privately held may be for exclusive private use. It is not the intent of the REC Recreation District to create public access.

B. PRINCIPAL USES PERMITTED

- i. **Publicly or privately owned and operated:** § 4.31
 - a. **Parks, picnic groves, nature trails** § 4.31
 - b. **Athletic fields and game courts** § 4.31
 - c. **Playgrounds** § 4.31
 - d. **Botanical gardens** § 4.31
 - e. **Woodland preserves** § 4.31
 - f. **Wildlife sanctuaries** § 4.31
 - g. **Bird sanctuaries** § 4.31
 - h. **Arboretums** § 4.31
 - i. **Similar facilities for outdoor recreation** § 4.31
- ii. **Golf courses and driving ranges, nonprofit or profit, but not including "putt-putt" or "mini-golf"** § 4.18
- iii. **Publicly or privately owned swimming and wading beaches (principal or accessory use)** § 4.36
- iv. **Private recreational areas, institutional or community recreation centers, community buildings or social clubs** § 4.35
- v. Establishments with accessory alcoholic liquor licenses[□]
- vi. Accessory buildings and uses customarily incidental to any of the above permitted uses
- vii. Non-motorized pathways or trails

C. SPECIAL LAND USES

- i. **Archery ranges** § 4.3
- ii. Athletic fields (such as baseball, football and soccer), arenas, amphitheatres, any activity which involves the requirement of outdoor lighting for night play and/or permanent grandstands with a capacity of more than one hundred (100) persons in conjunction with such athletic field, arena or amphitheater.
- iii. Other recreational uses found by the Planning Commission in its discretion to be similar to the uses expressly authorized in this REC Recreation District in terms of use, type and impact upon surrounding properties and the community
- iv. Boat launching, docking or mooring



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[□]: 6 acres
 Minimum lot width[□]: None Specified

Lot Coverage[□]

Maximum lot coverage: 3%

Setbacks[□]

Minimum front yard setback: 100 ft
 Minimum rear yard setback: 100 ft
 Minimum side yard setback: 100 ft (200 ft combined)

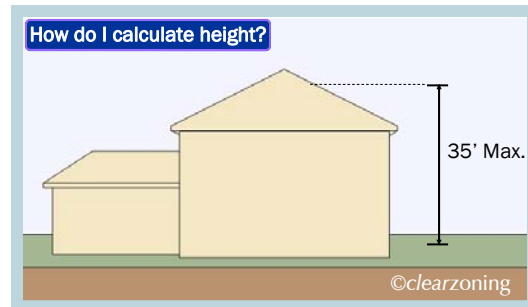
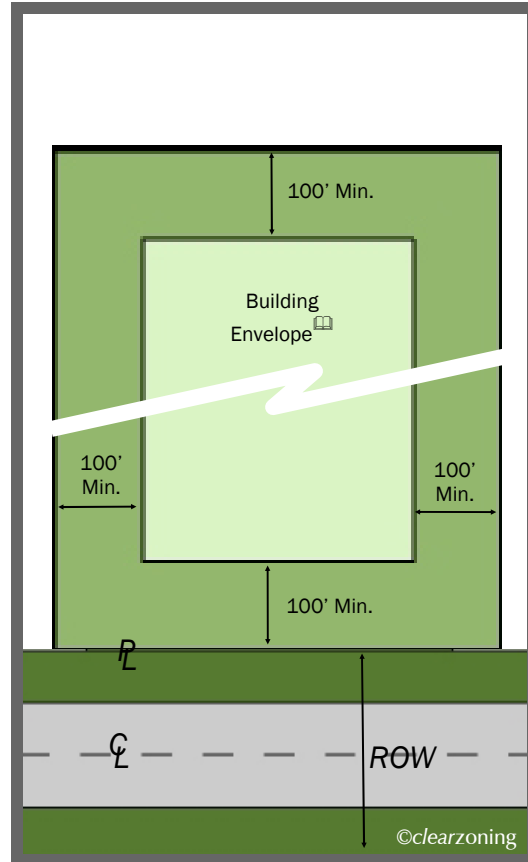
Building Height[□]

Maximum building height: 35 feet

Special District Provisions (Sec. 26-3.6)

NOTES

- For additions to the above requirements, refer to Section 26-3.5: **H, I, K, P** and **Q**
- See *Suggested References* below for applicability



The above drawings are not to scale.

SUGGESTED REFERENCES

3. Zoning Districts

- Woodland Conservation Overlay § 3.1.21
- Wireless Communication Facilities § 3.1.20

4. Use Standards

- Uses Not Otherwise Included Within Specific Use District § 4.48

5. Site Standards

- Accessory Buildings § 5.1
- Corner Clearance § 5.3
- Environmental Features Setback § 5.4
- Exterior Appliances § 5.5

5. Site Standards (Continued)

- Exterior Lighting § 5.6
- Greenbelts and Obscuring Fences / Walls § 5.13
- Landscaping, Environmental Provisions, and Trees § 5.14
- Lot Accessibility § 5.7
- Loading and Unloading § 5.10
- Parking Space Layout § 5.9
- Parking Requirements § 5.8
- Performance Standards § 5.11
- Screening Requirements § 5.12
- Signs § 5.15
- Site Access § 5.2
- Trash § 5.16

6. Development Procedures

- Site Plan Review § 6.1
- Standards and Procedures for Special Land Uses § 6.2
- Public Hearing Requirements and Notification Procedures § 6.3

Other Ordinances

- Wetlands Protection

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- A. If it can be clearly demonstrated by the owner of property which is zoned as REC district that both Section 26-3.1.18.B and Section 26-3.1.18.C do not permit economically viable use of the property, taking into consideration any relief available at the board of zoning appeals, such owner shall be entitled to apply for township board approval of a planned recreational development (PRD), after review and recommendation by the planning commission, and subject to and in accordance with the provisions set forth below.
- B. All of the REC property owned by the property owner making application shall be included as part of the PRD.
- C. The property owner seeking a PRD shall initially file an application and supporting documentation with the township board. Such supporting documentation shall include a market or other analysis designed to provide the township board with sufficient information necessary to determine whether the property owner has clearly demonstrated that the grant of a PRD is necessary in order to permit an economically viable use of the property. If and when the township board [sic], the application for PRD shall be forwarded to the planning commission along with the following additional information to be provided by the applicant:
- i. All requirements for site plan review, which shall include the requirements of this subsection, including fees, as well as the other applicable provisions under this section.
 - ii. All open spaces, preserves, recreational areas and the like, not otherwise required to be shown pursuant to the preceding paragraph.
 - iii. A specific schedule of intended development, including phasing or timing, and the general improvements to constitute a part of the development.
- D. The following uses may be permitted as part of a PRD:
- i. Any recreational use permitted as a principal use permitted and use permitted on special approval; however, the regulations relative to setback, minimum area or other dimensional regulations may be modified on the condition that the proposed development shall be consistent with the spirit and intent of the REC regulations; the proposed development shall not result in an unreasonable negative impact upon surrounding properties; the proposed development shall retain a predominantly recreational and open space character.
 - ii. One-family detached dwellings with lots or parcels having a minimum area of three (3) acres per homesite. The number of residential units to be permitted under this provision shall be limited to the smallest number required, considered in light of the adjustments authorized under the immediately preceding paragraph, which will render the use of the property economically viable.
- E. In making its recommendation, and in ultimately acting on an application for a PRD, the planning commission and township board, respectively, shall apply the standards set forth in Section 26-3.1.18.C above, and, in addition, shall apply the following standards:
- i. The development shall be designed to promote preservation of natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed if it is 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 natural resources and natural features, and taking into account the provisions and standards of Act 127 of the Public Acts of 1970, as amended, the Michigan Environmental Protection Act.
 - ii. The following aspects of the development shall be considered and adjusted as deemed necessary by the township if there is a real and substantial relation between the adjustment made and the promotion and/or protection of surrounding properties or specific interests of the township: perimeter setback and berming; traffic or pedestrian circulation; achievement of an integrated development with respect to landscaping and building materials; noise reduction and visual screening mechanisms.
- F. Certain conditions may be required for the approval of the PRD. Conditions imposed shall be designed to protect natural resources and



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public health, safety and welfare of individuals who will be utilizing the property and those immediately adjacent and the community as a whole. All conditions imposed shall be made part of the record of the approved PRD.

- G. If and when approved, the PRD, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and the use shall be in conformity with such amendment. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the PRD and declaring that all future development of the PRD property has been authorized and required to be carried out in accordance with the approved PRD unless an amendment is duly applied for and adopted by the township.
- H. The grant of a PRD shall require a rezoning, i.e., an amendment of the zoning map constituting a part of this chapter so as to designate the property PRD. Moreover, if granted, a PRD including all aspects of the final plan and conditions imposed shall constitute an inseparable part of the zoning amendment. The public hearing process as established by statute for rezoning of land shall be followed and shall be part of the site plan approval process.
- I. The township board shall establish by resolution a fee, which may be amended from time to time, for the review of a proposed Planned Recreation District. A portion of the fee may be refunded if the township board, after reviewing the initial application for the PRD, does not refer the application to the planning commission for site plan review and recommendation on the rezoning request.

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A. INTENT, PURPOSE, AND EXEMPTIONS

1. Intent. The procedures, standards, and regulations of this ordinance are intended to balance the interests of commercial entities to provide wireless communications without significant gaps in coverage with the public interest to protect the character and environmental features of the Township and to ensure wireless communications facilities are situated in appropriate locations in relationship to other land uses, structures, and buildings, and to comply with all applicable State and federal laws and regulations.
2. Purpose. The purpose of this ordinance is to:
 - A. Require efficient planning. Efficient planning will encourage prudent siting of facilities in accordance with principles of planning, zoning, land use and the need for service by:
 - i. Facilitating and expediting the placement of facilities in appropriate locations.
 - ii. Protecting the character and natural environment of the Township, its wetland, woodland, and environmental features.
 - iii. Protecting designated historic properties.
 - iv. Encouraging careful design of facilities to ensure architectural compatibility and where possible, concealment within existing structures on the site.
 - v. Fostering aesthetic compatibility with the character of the neighborhood.
 - vi. Ensuring structural integrity of support structures.
 - vii. Protecting public and private right-of-ways from interference and distractions to motorists.
 - viii. Requiring necessary clear vision and safe fall zones for the protection of the public.
 - B. Promote collocation. Collocation on approved support structures and existing buildings and structures will reduce the need for the erection of new support structures, will expedite the approval process, will be less costly to industry, and will provide opportunities for architectural concealment of wireless communication facilities in existing structures.

- C. Require a maintenance agreement. A maintenance agreement will ensure long term, continuous maintenance of all site improvements proposed for the wireless communications facilities.
 - D. Require removal. Timely removal of equipment and facilities upon discontinuance of use will minimize the adverse impacts of technological obsolescence.
3. Exemptions. Amateur radio, citizen band radio, short wave radio, residential TV or satellite TV antennas are exempt from the provisions of this section.

B. COLLOCATION

1. Permitted Collocation.
 - A. CT-1 Wireless Communication Facilities District. The Wireless Communications Facilities District, CT-1, is a single purpose zoning district which permits the location of wireless communication facilities including a wireless communications support structure, wireless communications equipment, and an equipment compound as the principal use. An existing wireless communications support structure located in a CT-1 District is an eligible facility for permitted collocation in compliance with this subsection, 3.1.20.B.1.
 - B. Rooftop of existing buildings. The roof of an existing building is an eligible facility for permitted collocation of wireless communications facilities in compliance with the provisions of 3.1.20.B.1 in the following districts: B-1, B-2, B-3, B-4, O-1, O-2, OR-1, OR-2, R-O, I-L, P-1, M-C, I-OP, REC, PRD, TC, and any nonresidential use within residential districts: R-10, R-12.5, and R-15. The rooftop collocation of wireless communications facilities shall comply with the following regulations:
 - i. The wireless communications facilities shall be designed, constructed, and maintained to be visually and architecturally compatible with the principal building.
 - ii. The equipment compound shall be designed as a properly screened roof appliance, a penthouse, or may be located within the principal building.



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- iii. The wireless communications equipment height shall not extend above the roof of the principal structure unless the equipment is incorporated as an architectural element and is integrated into the overall architecture of the building.
 - iv. The height of any antenna, wireless communications equipment, and associated architectural element, shall not extend more than ten (10) feet above the maximum height permissible in the underlying zoning district.
- C. Existing electrical transmission towers. Existing electrical transmission towers, such as the ITC towers are eligible facilities for permitted collocation of wireless communications facilities in compliance with the provisions of 3.1.20.B.1 within the zoning district where located.
- D. Existing wireless communications facilities. Existing wireless communications facilities are eligible facilities for permitted collocation in the zoning district where located, provided that the proposed collocation complies with all of the following criteria:
- i. Existing. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - ii. Approved. The existing wireless communications support structure or existing equipment compound was previously approved by the Township.
 - iii. Not a substantial change. The proposed collocation will not substantially change the physical dimensions of the eligible facility and increases in the height, width, and area comply with the following criteria:
 - a. Height. The overall height of the wireless communications support structure shall not be increased by more than twenty (20) feet or ten (10) percent of the structure's originally approved height, whichever is greater.
 - b. Width. The width of the wireless communications support structure shall not be increased by more than the minimum necessary to permit collocation; and in no event shall it involve adding an appurtenance to the body of a) an existing tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower at the level of the appurtenance, whichever is greater; or b) a non-tower support structure that would protrude from the edge of the structure by more than six (6) feet.
 - c. Equipment compound. The area of the existing equipment compound shall not be increased to exceed a total area of two thousand five hundred (2,500) square feet, or exceed four (4) cabinets; and the height shall not be increased by more than ten (10) percent or ten (10) feet of the compound's originally approved height, whichever is greater.
 - d. Limited to current site. The proposed collocation shall not include the excavation or deployment outside the current site.
 - e. Maintains concealment. The proposed collocation shall not defeat any concealment elements of the eligible support structure.
- iv. Compliance. The proposed collocation complies with all terms and conditions of the previous final approval of the existing wireless communications support structure and/or equipment compound.
- v. Equipment compound. In the event the addition of wireless communications equipment to the equipment compound results in an increase to the height, width, or total size of the compound area, the compound shall be brought into compliance with the design regulations for equipment compounds as set forth in Section 3.1.20.D, Regulations.

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- E. Zoning compliance review procedure. An administrative zoning compliance review of proposed collocation of wireless communications facilities as a permitted collocation shall be conducted by the Planning Department for compliance with the provisions of Section 3.1.20.B.1.
- i. Application requirements. A complete application for the review of a permitted collocation shall be made to the Planning Department on forms provided by the Township, which complies with all of the following:
 - a. Is signed by the applicant, the property owner, and the licensed entity intended to be an operator on the wireless communications facility.
 - b. Includes the following documentation:
 - (1) Plans submitted that comply with the site plan requirements of Section 6.1.2(A).
 - (2) A State of Michigan licensed professional engineer or surveyor certification of the resulting increase in height and width of the structure, and any increase in the size of the equipment compound due to the proposed collocation.
 - (3) Prior to issuance of a building permit, the applicant shall submit a State of Michigan licensed professional engineer certification of the structural integrity of the support structure and foundation.
 - c. Demonstrates that the proposed collocation complies with all terms and conditions of the previous final approval of the existing wireless communications support structure and/or equipment compound.
 - d. Demonstrates that the proposed collocation and the site complies with the previously approved maintenance agreement.
 - e. Demonstrates that the proposed collocation complies with all applicable regulations set forth in Section 3.1.20.D, Regulations.
 - f. Demonstrates that the proposed collocation will, or will not, disturb any area designated as a wetland, woodland or environmental feature. If the proposed collocation will disturb a wetland, woodland or environmental feature, a copy of the valid use permit shall be attached to the application.
 - g. Includes the name, address and phone number of the person to contact for engineering, maintenance, emergency and other notice purposes, during and after business hours. This information shall be updated annually by January 31 of each year.
 - h. Demonstrates that the application complies with applicable State laws, federal laws, and Federal Communications Commission regulations.
 - i. Includes a one-time nonrefundable compliance review fee in the amount established by resolution of the Township Board.
 - ii. Determination of complete application. The application shall be reviewed to determine if it is complete within fourteen (14) business days of submittal. The application shall be marked "complete" or "incomplete" with the date reviewed, and if incomplete the Planning Department shall issue a notice in writing or by electronic notification to the applicant that the application is incomplete. The notice shall specify the information necessary to make the application administratively complete. The fourteen (14) day review period shall be tolled until the applicant submits to the Township a complete application



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- including all information, documents, and fees required. The Planning Department shall review any supplemental submission to determine if the required information is included to make the application administratively complete. If the application remains incomplete, the applicant shall be notified within ten (10) calendar days of submittal of the supplemental information that the application remains incomplete and shall specify the information needed. Second or subsequent notices of incompleteness shall not specify missing information that was not identified in the original notice of incompleteness. The date the application is determined complete shall be marked on the application.
- iii. Compliance determination. The Planning Department shall conduct a zoning compliance review of the complete application and all supporting documents to determine if the proposed collocation is a permitted collocation and if it complies with all required criteria, applicable ordinances, and State and federal laws. Upon completion of the compliance review, the Planning Department shall issue a written determination of compliance.
 - iv. The time period to complete the compliance review shall not exceed sixty (60) calendar days from the date that the application is filed and may be tolled if the application is incomplete or by mutual agreement. Any tolling of the time period, either due to an incomplete application or by mutual agreement, shall not apply to the sixty (60) day review period. If the determination of compliance is not made within the sixty (60) days, or as tolled, MCL 125.3514 mandates that the application shall be considered approved. The approval shall not become effective until the applicant notifies the Township in writing that, including the period of tolling, the time period for review has expired and the application has been deemed approved.
2. Collocation Requiring Approval.
 - A. Collocation requiring approval. The collocation of wireless communications facilities which complies with the criteria set forth in subsection 3.1.20.B.1.D.i and ii above, however, does not comply with the criteria set forth in subsection 3.1.20.B.1.D.iii or iv above, is permitted in compliance with all applicable provisions of Section 3.1.20.B.2. The application shall be submitted to the Planning Commission for review and approval as provided in Section 3.1.20.
 - B. Facade of existing buildings. Collocation of wireless communications facilities on the facade of an existing building is permitted in compliance with the provisions of Section 3.1.20.B.2 in the following districts: B-1, B-2, B-3, B-4, O-1, O-2, OR-1, OR-2, R-O, I-L, P-1, M-C, I-OP, REC, PRD, TC and any nonresidential use within residential districts: R-10, R-12.5, and R-15. The wireless communications facilities shall comply with the following regulations:
 - i. The wireless communications facilities shall be designed, constructed, and maintained to be visually and architecturally compatible with the principal building.
 - ii. The equipment compound shall be designed as a properly screened roof appliance or penthouse, located within the principal building, or located in a ground compound in compliance with applicable regulations.
 - iii. The wireless communications equipment height shall not extend above the roof of the principal structure unless the antennas and equipment are incorporated as an architectural element and integrated into the overall architecture of the building.
 - iv. The height of any antenna, equipment, and associated architectural element shall not extend more than ten (10) feet above the maximum height permissible in the underlying zoning district.
 - v. The application shall be submitted to the Planning Commission for review and approval as provided in Section 3.1.20.

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- C. Procedure for collocation requiring approval.
- i. Collocation application requirements. A complete application for approval of a proposed collocation shall be made in writing on forms provided by the Township and submitted to the Planning Department in compliance with all of the following:
 - a. Is signed by the applicant, the property owner, and the licensed entity intended to be an operator on the wireless communications facility.
 - b. Includes the following documentation:
 - (1) A site plan submission prepared in accordance with Section 6.1.2(A), Site Plan Review.
 - (2) A State of Michigan licensed professional engineer or surveyor certification of the resulting increase in height and width of the structure, and any increase in the size of the equipment compound due to the proposed collocation.
 - (3) Propagation studies and modeling information used to develop the studies; a map showing existing and known proposed wireless communication facilities within the Township and areas surrounding the borders of the Township; and a map showing all properties which meet the search criteria of the provider. Any request for confidentiality of the information provided must be prominently stated on the face of the document.
 - (4) Prior to issuance of a building permit, the applicant shall submit a State of Michigan licensed professional engineer certification of the structural integrity of the support structure and foundation.
 - c. Demonstrates that the proposed collocation is required to fill a significant gap in service; and that the manner proposed to fill the significant gap in service is the least intrusive method.
 - d. Demonstrates that the proposed collocation will or will not disturb any area designated as a wetland, woodland or environmental feature. If the proposed collocation will disturb a wetland, woodland or environmental feature, a copy of the valid use permit shall be attached to the application.
 - e. Demonstrates that the proposed collocation will not result in encroachment into a required setback.
 - f. Demonstrates that the proposed collocation is architecturally compatible with the structures on site or will be concealed within the structures on site.
 - g. Demonstrates that the proposed collocation will not interfere with any necessary clear vision area.
 - h. Demonstrates that the proposed collocation will not interfere with any public or private right-of-way and will not be a distraction to motorists.
 - i. Demonstrates compliance with all applicable regulations set forth in Section 3.1.20.D, Regulations.
 - j. Includes the name, address and phone number of the person to contact for engineering, maintenance, emergency and other notice purposes, during and after business hours. This information shall be updated annually by January 31 of each year.
 - k. Includes a maintenance plan and a proposed maintenance agreement to ensure long term, continuous maintenance of all site improvements proposed for the wireless communications facilities.



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- i. Includes a one-time nonrefundable application review fee in the amount established by resolution of the Township Board.
- ii. Complete application required. An application shall not be complete unless all required information is included and all documentation is attached.
 - a. Review for completeness; notice required. The application shall be reviewed to determine if it is complete within fourteen (14) business days of submittal. The application shall be marked "complete" or "incomplete" with the date reviewed, and if incomplete the Planning Department shall issue a notice in writing or by electronic notification to the applicant that the application is incomplete. The notice shall specify the information necessary to make the application administratively complete. The fourteen (14) day review period shall be tolled until the applicant submits to the Township a complete application including all information, documents, and fees required. The date the application is determined complete shall be marked on the application.
 - b. Application deemed complete. Pursuant to MCL 125.3514, the application shall be deemed administratively complete if the Township fails to notify the applicant of an incomplete application within fourteen (14) business days after the Township receives the application.
- iii. Standards for collocation approval. No collocation shall be approved unless the applicant has demonstrated all of the following:
 - a. The proposed collocation is required to fill a significant gap in service, and the manner proposed to fill the significant gap in service is the least intrusive method.
 - b. The proposed wireless communications facility is structurally sound.
 - c. The proposed collocation will not disturb any area designated as a wetland, woodland or environmental feature; or if the proposed collocation will disturb a wetland, woodland or environmental feature, a use permit has been obtained for such disturbance.
 - d. The proposed collocation shall comply with the required yard setbacks for the district.
 - e. The proposed collocation is designed to be architecturally compatible with the structures on site or will be concealed within the structures on site.
 - f. The proposed collocation is designed to be aesthetically compatible with the zoning districts and land uses in the surrounding neighborhood.
 - g. The proposed collocation will not interfere with any necessary clear vision area.
 - h. The proposed collocation will not interfere with any public or private right-of-way and will not be a distraction to motorists.
 - i. The proposed collocation complies with all applicable regulations set forth in Section 3.1.20.D, Regulations.
 - j. The maintenance plan will ensure long term, continuous maintenance of the site improvements proposed for the wireless communications facilities; and the agreement is signed by the applicant, licensed operator and property owner and is in recordable form.
 - k. The required application fee and all fees for recording the maintenance agreement are paid in full.

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- i. The application complies with applicable State laws, federal laws, and Federal Communications Commission regulations.
- m. Prior to issuance of a building permit, the proposed use shall be reviewed and approved in accordance with Section 6.1.2, Site Plan Review.
- iv. Decision on application for collocation approval.
 - a. Hearing. A hearing shall be held by the Planning Commission on the application and notice of the hearing shall be provided in compliance with Sections 6.3.2 and 6.3.3. Due to the time limit for a decision on the application as mandated by MCL 125.3514, the requirement of Section 6.3.1 to publish the notice in a newspaper of general circulation shall not apply to an application for collocation.
 - b. Time. An application for approval of a collocation shall be approved or denied within sixty (60) calendar days from the date the application is deemed complete, except that the sixty (60) day time period for approval or denial may be tolled by mutual agreement. If the decision to approve or deny is not made within the sixty (60) days, or as tolled, MCL 125.3514 mandates that the application shall be considered approved. The approval shall not become effective until the applicant notifies the Township in writing that, including the period of tolling, the time period for review has expired and the application has been deemed approved.
 - c. Conditional approval. An approval shall be made expressly conditioned upon:
 - (1) Compliance with all applicable ordinances, and State and federal laws before the wireless communications equipment begins operation.
 - (2) Submission of a State of Michigan licensed professional engineer certification of the structural integrity of the support structure and foundation prior to issuance of a building permit.
 - (3) Protection of natural resources as required by State and federal environmental laws and local ordinances. All conditions imposed shall be set forth in the written decision.
 - d. Security. The approval shall require security to be posted at the time of receiving the building permit to ensure removal of the facilities and restoration of the site to its original state in compliance with Section 3.1.20.E, Removal of Facilities. The security shall be in the form of a ten thousand dollar (\$10,000) cash performance bond. The security shall be maintained until the wireless communications facilities are removed. In the event the wireless communications facility is not erected as planned or is removed as required by this ordinance, the remaining balance of the cash bond shall be refunded. In the event a wireless communications facility is not removed pursuant to the provisions of this ordinance, the security shall be forfeited and applied to the costs of removal and site restoration.
 - e. Denial. A denial of the application shall be supported by substantial evidence. The substantial evidence supporting the denial shall be specified in writing and made part of the written record, as required by the Federal Telecommunications Act, 47 USC 332(c)(7). The written record shall summarize the proceedings and articulate the reasons for finding that the applicant failed to demonstrate that the request met the standards for collocation



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approval as set forth above in Section 3.1.20.B.2.C.iii

- f. In writing. The decision approving or denying an application shall be in writing, shall be sent to the applicant by regular mail, and shall be postmarked within sixty (60) days of the date the application is deemed complete. The written reasons for denial shall be provided to the applicant with the written decision.

C. NEW WIRELESS COMMUNICATIONS SUPPORT STRUCTURE; NEW EQUIPMENT COMPOUND

1. Permitted Districts and Preferred Locations.

- A. Permitted districts. A new wireless communications support structure or a new equipment compound is a permitted use subject to special land use approval in the zoning districts designated in this section.
- B. Preferred locations. Based on the nature and size of the land use, the ability to design architecturally compatible facilities with the structures on site, to conceal the facilities within the structures on site, and the ability to provide necessary and adequate clear vision and safe fall zones, use of the following sites where permitted is encouraged for new support structures and equipment compounds:
 - i. Municipally owned property.
 - ii. State, county, or other government owned property.
 - iii. Sites containing a public or private school or educational institution.
 - iv. Public park, golf course, or other large permanent open space area.
 - v. Sites containing a religious, or other institution including country clubs, fraternal lodges, civic or social organizations, and community buildings.

2. Approval Required.

- A. Procedure for a new support structure or equipment compound. An application for a new support structure or for a new equipment compound shall be submitted to the Planning Commission for review and approval as provided in Section 3.1.20:
 - i. New support structure or equipment compound application requirements. A complete application for approval of a new support structure or new equipment compound shall be made in writing on forms provided by the Township, and submitted to the Planning Department which complies with all of the following:
 - a. Is signed by the applicant, the property owner, and the licensed entity intended to be an operator on the wireless communications facility.
 - b. Includes the following documentation:
 - (1) A site plan submission prepared in accordance with Section 6.1.2(A), Site Plan Review.
 - (2) Propagation studies and modeling information used to develop the studies; a map showing existing and known proposed wireless communication facilities within the Township and areas surrounding the borders of the Township; and a map showing all properties which are identified within the search ring of the applicant. Any request for confidentiality of the information provided must be prominently stated on the face of the document.
 - (3) Identifies all alternative sites and demonstrates all efforts made to utilize the alternative sites and explains why each cannot be utilized.

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- (4) Certification from a structural professional engineer licensed by the State of Michigan certifying the structural integrity of the support structure and the foundation, and the structure's compliance with the safe fall zone.
- (5) A soils report from a geotechnical professional engineer licensed by the State of Michigan. The soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed wireless communications facility.
- c. Demonstrates that the new support structure is required to fill a significant gap in service; and that the manner proposed to fill the significant gap in service is the least intrusive method.
- d. Demonstrates that the new wireless communications facility will or will not disturb any area designated as a wetland, woodland or environmental feature. If the proposed new facility will disturb a wetland, woodland or environmental feature, a copy of the valid use permit shall be attached to the application.
- e. Demonstrates that the new wireless communications facility will not result in encroachment into a required setback.
- f. Demonstrates that the proposed wireless communications facilities are architecturally compatible with the structures on site, or will be concealed within the structures on site.
- g. Demonstrates that the proposed wireless communications facility is designed to be aesthetically compatible with the zoning district and land uses in the surrounding neighborhood.
- h. Demonstrates that the proposed new wireless communications facilities will not impact any designated historic property.
- i. Demonstrates that the new wireless communications facilities will not interfere with any public or private right-of-way, comply with the clear vision regulations, and will not be a distraction to motorists.
- j. Demonstrates compliance with all applicable regulations set forth in Section 3.1.20.D, Regulations.
- k. Includes the name, address and phone number of the person to contact for engineering, maintenance, emergency and other notice purposes, during and after business hours. This information shall be updated annually by January 31 of each year.
- l. Includes a maintenance plan, and a proposed maintenance agreement to ensure long term, continuous maintenance of all site improvements proposed for the wireless communications facilities.
- m. Includes a one-time nonrefundable application review fee in the amount established by resolution of the Township Board.
- ii. Complete application required. An application shall not be complete unless all required information is included and all documentation is attached.
 - a. Review for completeness; notice required. The application shall be reviewed to determine if it is complete within fourteen (14) business days of submittal. The application shall be marked "complete" or "incomplete" with the date reviewed, and if incomplete, the Planning Department shall issue a notice in writing or by electronic notification to the applicant that the application is incomplete, and shall specify the information necessary to make the application



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- administratively complete. The fourteen (14) day review period shall be tolled until the applicant submits to the Township a complete application including all information, documents, and fees required. The date the application is determined complete shall be marked on the application.
- b. Application deemed complete. Pursuant to MCL 125.3514, the application shall be deemed administratively complete if the Township fails to notify the applicant of an incomplete application within fourteen (14) business days after the Township receives the application.
 - iii. Standards for approval of a new support structure or equipment compound. No application for a new wireless communications support structure or equipment compound shall be approved unless the applicant has demonstrated all of the following:
 - a. The proposed new wireless communications facility is needed to fill a significant gap in service.
 - b. Alternative sites cannot be utilized to fill the significant gap in service.
 - c. A State of Michigan licensed professional engineer certified the structural integrity of the support structure and foundation, and compliance with the safe fall zone.
 - d. The soil conditions for the support structure are suitable as certified by a geotechnical professional engineer licensed by the State of Michigan.
 - e. The manner in which it proposes to fill the significant gap in service is the least intrusive method.
 - f. The proposed new wireless communications facilities will not disturb any area designated as a wetland, woodland or environmental feature; or if the proposed new wireless communications facilities will disturb a wetland, woodland or environmental feature, a use permit has been obtained.
 - g. The proposed new wireless communications facility will not encroach into a required setback.
 - h. The proposed new wireless communications facilities are designed to be architecturally compatible with the structures on site, or will be concealed within the structures on site.
 - i. The proposed new wireless communications facilities are designed to be aesthetically compatible with the zoning district and land uses in the surrounding neighborhood, and to the extent possible, blend into the visual landscape.
 - j. The proposed new wireless communications facilities will not impact any designated historic property.
 - k. The proposed new wireless communications facilities will not interfere with any public or private right-of-way, will not be a distraction to motorists and will not interfere with any necessary clear vision area.
 - l. The proposed new wireless communications facilities comply with all applicable regulations set forth in Section 3.1.20.D, Regulations.
 - m. The maintenance plan will ensure long term, continuous maintenance of all site improvements proposed for the wireless communications facilities, and the agreement is signed by the applicant, licensed operator and property owner and is in recordable form.
 - n. The required application fee and all fees for recording the maintenance agreement are paid in full.
 - o. Prior to issuance of a building permit, the proposed use shall be reviewed and approved in accordance with Section 6.1.2, Site Plan Review.

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iv. Decision on application for new support structure or equipment compound.

a. Hearing. A hearing shall be held by the Planning Commission on the application and notice of the hearing shall be provided in compliance with Sections 6.3.2 and 6.3.3. Due to the time limit for a decision on the application as mandated by MCL 125.3514, the requirement of Section 6.3.1 to publish the notice in a newspaper of general circulation shall not apply to an application for a new wireless communications support structure or equipment compound.

b. Time. An application for approval of a new support structure or an equipment compound shall be approved or denied within ninety (90) calendar days from the date the application is deemed complete, except that the ninety (90) day time period for approval or denial may be tolled by mutual agreement. If the decision to approve or deny is not made within the ninety (90) days, or as tolled, MCL 125.3514 mandates that the application shall be considered approved. The approval shall not become effective until the applicant notifies the Township in writing that, including the period of tolling, the time period for review has expired and the application has been deemed approved.

c. Conditional approval. An approval shall be made expressly conditioned upon:

- (1) Compliance with all applicable ordinances, and State and federal laws before the wireless communications equipment begins operation.
- (2) Protection of natural resources as required by State and federal environmental laws and local ordinances.

All conditions imposed shall be set forth in the written decision.

d. Security. The approval shall require security to be posted at the time of receiving the building permit to ensure removal of the facilities and restoration of the site to its original state in compliance with Section 3.1.20.E, Removal of Facilities. The security shall be in the form of a ten thousand dollar (\$10,000) cash performance bond. The security shall be maintained until the wireless communications facilities are removed. In the event the wireless communications facility is not erected as planned or is removed as required by this ordinance, the remaining balance of the cash bond shall be refunded. In the event a wireless communications facility is not removed pursuant to the provisions of this ordinance, the security shall be forfeited and applied to the costs of removal and site restoration.

e. Denial. A denial of the application shall be supported by substantial evidence. The substantial evidence supporting the denial shall be specified in writing and made part of the written record, as required by the Federal Telecommunications Act, 47 USC 332(c)(7). The written record shall summarize the proceedings and articulate the reasons for finding that the applicant failed to demonstrate that the request met the standards for approval as set forth above in Section 3.1.20.C.2.A.iii.

f. In writing. The decision approving or denying an application shall be in writing, shall be sent to the applicant by regular mail, and shall be postmarked within ninety (90) calendar days of the date the application is deemed complete. The written reasons for denial shall be provided to the applicant with the written decision.



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D. REGULATIONS

The collocation of wireless communications facilities as permitted by Section 3.1.20.B.2, and all new support structures and new equipment compounds as permitted by Section 3.1.20.C, shall comply with the following regulations:

1. Principal or Accessory Use. A wireless communications support structure, together with an equipment compound may be a principal or accessory use of property provided that the proposed use complies with all applicable ordinances, and State and federal laws.
2. Design.
 - A. Design guidelines. Wireless Communications Facilities Design Guidelines shall be reviewed by the Planning Commission and adopted by the Township Board. All wireless communications support structures and equipment compounds shall be designed in compliance with the adopted Wireless Communications Facilities Design Guidelines.
 - B. Support structure. The design of the support structure shall comply with the following regulations:
 - i. The support structure shall be designed to be architecturally compatible with the structures on the site.
 - ii. To the extent possible, the support structure will be concealed within the structures on the site.
 - iii. In the event the support structure cannot be concealed within the structures on site, the support structure shall be designed to comply with the Wireless Communications Facilities Design Guidelines.
 - iv. The support structure shall be designed to be aesthetically compatible with the zoning district and land uses in the surrounding neighborhood, and to the extent possible, blend into the visual landscape.
 - v. The structure shall be designed and constructed to permit collocation.
- vi. The support structure shall be structurally sound as certified by a structural professional engineer licensed by the State of Michigan.
- vii. The soil conditions for the support structure shall be suitable as certified by a geotechnical professional engineer licensed by the State of Michigan.
- viii. Unobstructed legal access to the support structure shall be provided and maintained and shall comply with all access requirements of the Fire Department.
- ix. All cables and utilities serving the support structure shall be underground.
- x. The support structure shall be designed and constructed in accordance with all applicable building codes.
- xi. The design of the support structure shall minimize disturbance to the natural landscape or any wetland, woodland or environmental feature. If the proposed new facility will disturb a wetland, woodland or environmental feature, the facility must be designed to comply with the use permit granted.
- C. Equipment compound. The design of the equipment compound shall comply with the following regulations:
 - i. The equipment shall be located within a building or otherwise concealed within the support structure.
 - ii. The equipment compound shall be designed to be architecturally compatible with the structures on the site, or concealed within the buildings or structures on site; and shall be designed to comply with the Wireless Communications Facilities Design Guidelines.
 - iii. The exterior of the equipment compound shall be constructed of decorative face brick or other material compatible with the building materials on site, shall use the same primary and secondary colors of other buildings located on the site, and shall have a gabled roof with decorative shingles or a standing seam metal roof.

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- iv. The equipment compound shall be designed and constructed to permit collocation for the number of additional providers that the support structure can accommodate.
 - v. Unobstructed legal access to the support structure shall be provided and maintained and shall comply with all access requirements of the Fire Department.
 - vi. All cables and utilities serving the equipment compound shall be underground.
 - vii. The equipment compound shall be designed and constructed in accordance with all applicable building codes.
 - viii. The design of the equipment compound shall minimize disturbance to the natural landscape or any wetland, woodland or environmental feature. If the proposed new facility will disturb a wetland, woodland or environmental feature, the facility must be designed to comply with the use permit granted.
 - ix. The equipment compound shall not be used for offices, storage, broadcast studios, signage or other uses which are not necessary to send or receive transmissions.
3. Height.
- A. Support structure. The maximum height of the support structure shall not exceed one hundred and ten (110) feet, which shall include the structure and all attached appurtenances.
 - B. Equipment compound. The maximum height of any building or enclosure housing wireless communications equipment shall not exceed fifteen (15) feet.
4. Setbacks.
- A. Support structure.
 - i. Safe fall zone. A safe fall zone setback shall be provided for support structures as follows: the center of the base of the support structure must be set back from the property line of the site, a minimum distance equal to the height of the support structure, except, the safe fall zone setback does not apply when wireless communications equipment is collocated on an existing building.
 - B. Equipment compound.
 - i. Front yard. A support structure shall not be located in any front yard, or in any required setback for the district in which the support structure is located.
 - ii. Waterfront property. A support structure shall be set back one thousand (1,000) feet from the shoreline of a lake or canal.
 - iii. On-site residential buildings. A support structure shall be set back from any residential building located on the site, a minimum distance that is equal to the height of the structure.
 - iv. Certain uses. No support structure shall be located closer than three hundred (300) feet to any private, religious, charter, or public elementary school; day care; or senior citizen facility.
 - v. Compliance with greatest distance. When there is more than one applicable setback required, the structure and all equipment shall comply with the greatest distance requirement.
 - vi. Measurement. The minimum required setback distance shall be measured from the center point of the base of the tower in a straight line to the nearest point of the property line requiring the setback.



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5. Screening and Decorative Fence. To prevent unauthorized persons from access to the wireless communications facility, all wireless communication facilities, shall be screened from entry by a six (6) foot high decorative fence that complies with the Wireless Communications Facilities Design Guidelines.
 6. Landscaping. There shall be provided a landscaping screen for the base of the structure and equipment compound. At a minimum, the landscaping shall provide a continuous landscape screen around the entire lease area and shall include a variety of plantings. The planting shall incorporate full size trees, both deciduous and evergreen, large deciduous shrubs, and other low level plantings. Native plantings shall be incorporated whenever possible. Existing on site landscaping and natural vegetation shall be preserved to the maximum extent possible. The applicant shall be required to submit a detailed landscape plan in accordance with Section 6.1.2(A) Site Plan Review.
 7. Lighting. All exterior lighting shall comply with Section 5.6 of this ordinance unless such lighting is required by the FAA.
 8. Prohibited. New lattice type support structures and new guyed wires are prohibited in all zoning districts.
3. Notification. In the event a user of a wireless communications facility discontinues use of that facility, the user of the wireless communications facility shall immediately notify the Township Clerk and Planning Department in writing of such discontinuance.
 4. Revocation. In the event any antenna or equipment is found to exceed the applicable FCC standard, approval shall be immediately revoked, a notice of revocation shall be issued, and the equipment that exceeds the standard shall be removed within one hundred twenty (120) calendar days.
 5. Demolition Permit. Upon the occurrence of any event requiring removal of wireless communications facilities, the responsible party shall immediately apply for and secure any permit required for demolition or removal. Removal of the top six (6) feet of the concrete foundation and backfill with acceptable clean fill shall be part of any demolition plan. Upon demolition or removal, the premises shall be restored to the condition they were in prior to installation of the wireless communications facilities. If the facility or a portion of the facility has not been removed within the applicable deadline, and after at least thirty (30) calendar days written notice, the Township may remove or secure the removal. The responsible party shall pay all actual costs of removal and restoration, and all administrative charges. Any remaining unpaid costs may be collected as provided in Chapter 2, Article VI.

E. REMOVAL OF FACILITIES

1. Partial. In the event wireless communications equipment has not been used for a period of one hundred eighty (180) calendar days or more, as evidenced by the cessation of transmission and/or reception of radio signals, the responsible party shall secure removal of the unused equipment within sixty (60) calendar days thereof.
2. All. In the event all wireless communications equipment located on the structure has not been used for a period of one hundred eighty (180) calendar days or more, as evidenced by the cessation of transmission and/or reception of radio signals, the responsible party shall secure the removal of the wireless communications support structure, the equipment compound and all equipment within one hundred twenty (120) calendar days thereof.

F. APPEAL.

A decision made pursuant to this section may be appealed to the Oakland County Circuit Court pursuant to MCR 7.122 within thirty (30) calendar days of the date of the written decision.

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Woodland Conservation Overlay District

A. FINDINGS OF FACT AND INTERPRETATION OF SECTION

i. Findings of fact: The township finds that continued growth and development along with future redevelopment and emerging tree diseases and threats resulting in increased demands upon natural resources has had the effect of encroaching upon, despoiling or eliminating many of the woodlands and associated forms of vegetation. This natural resource and processes associated therewith if conserved constitutes an important physical, aesthetic, environmental, recreational and economic asset to existing and future residents of the township. Specifically, the township finds that:

- a. Woodland growth protects public health through the absorption of airborne pollutants and generation of oxygen, through buffering for the reduction of excessive noise and visual screenings, through cooling properties in the summer months and through the protection of groundwater recharge areas and subsurface water resources.
- b. Woodlands provide for public safety through the prevention of erosion, sedimentation, and flooding and through buffering for wind and storm damage.
- c. Trees and woodland growth are essential components of the general welfare of the township by maintaining natural beauty, recreation, protecting the reproductive and regenerative capabilities of the woodland areas, maintaining plant and tree diversity, protecting wildlife habitats and the irreplaceable heritage for existing and future township residents.
- d. The protection of such natural resources is a matter of paramount public concern, as provided by article IV, section 52 of the Michigan Constitution of 1963, and the Michigan Environmental Protection Act, Part 17 of the Natural Resources and Environmental Protection Act, MCL 324.1701 et seq., as amended.

ii. Interpretation:

- a. Unless a definition is provided for a term, or context dictates otherwise, the terms of this section, and the definitions applicable thereto, shall be interpreted by reference

to the science of forestry, with the objective of conserving woodlands.

- b. The official woodland map of West Bloomfield Township incorporated into this section by this reference shall be deemed to be a special overlay zoning map. The woodland board shall, in the first instance, interpret this section and the woodland map, subject to review as provided in this section and by law. The woodland map may be updated by an amendment of this chapter at any time new data becomes available or as the growth of trees occurs. In all instances in which the official woodland map is proposed for amendment in a manner which would result in an increase in the area of woodlands on the map, notice of the public hearing to be conducted by the planning commission in connection with such amendment shall be given to the owners of all property on which the area of woodlands is proposed for expansion or new designation.
- c. Woodlands are identified for mapping purposes by the presence of two (2) criteria: (1) the presence of at least three (3) contiguous acres of area; and (2) the existence of canopy coverage over more than one-half of the area or average tree density of thirty (30) square feet of tree trunk area per acre (basal area). However, a property owner may request the township to have the township's forester perform an on-site analysis of the actual cross-sectional square footage of tree trunk area per acre (basal area) over the entire contiguous mapped woodland which includes such owner's property. In the event the township's forester reasonably determines that the mapped woodland area does not contain an average tree density of thirty (30) square feet of tree trunk area per acre (basal area), the township shall, for a period of one (1) year, consider such area to be unregulated under this section of the Code.
- d. It is not the intent of this section to regulate land areas which do not support one (1) or more the objectives set forth in this Subsection A.i. A property owner shall be permitted to apply to the woodland board for an adjustment of the outer boundary of a mapped woodland area. Considering the criteria set forth below, the



applicant shall include in the application the reasons the adjustment should be made. Upon review of an application, the woodland board, following review and report from the township forester, shall adjust a woodland boundary if the woodland board finds that, taking into consideration the criteria set forth below, all or a portion of an area being considered is not part of the woodland:

- (1) Whether and the extent to which the area being considered has tree species which are part of an adjacent tree stand.
- (2) Whether the soil type relates to the adjacent area of the woodland.
- (3) The extent of basal area and vegetation density within the area being considered.
- (4) The relation of the area being considered to the wildlife habitat within the mapped woodland.
- (5) The woodland review board decision under this subsection shall be after holding a public hearing as provided in subsection (i) and shall be subject to appeal to the township board using the procedures specified in subsection (j).

B. PURPOSES

The purposes of this section are to:

- i. Provide for the protection of woodlands, including trees and associated forms of vegetation, as natural resources that contain elements of natural beauty, wildlife habitat and geological, hydrological, ecological and historical characteristics significant to the citizens of the township.
- ii. Provide for the protection, conservation, replacement, proper maintenance and use of woodlands in order to minimize disturbance and structural changes to the vegetative community, prevent damage from erosion, sedimentation, windthrow, disease, limit loss of wildlife habitat and vegetative cover, all of which, in the aggregate, result in the destruction of the woodland character.
- iii. Prohibit the unregulated cutting of trees or harvesting of forest products within a woodland; to establish a permit process which

will regulate the manner and extent of tree cutting and harvesting of forest products from within these unique and valuable natural resources area; and to prescribe the review process for the issuance of tree cutting and harvesting permits.

- iv. Protect the township's woodlands for their current and future value, not only for residential areas and home sites, but also as settings for development in all zoning districts; to protect the reproductive and regenerative capabilities of woodland areas; to maintain plant and tree diversity; to protect groundwater recharge areas; to maintain visual screening, windbreak, dust collection and noise barrier characteristics exhibited by woodlands.
- v. Provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of the township.

C. WOODLAND PERMITS GENERALLY; FORMAT OF REGULATIONS IN THIS SECTION

- i. Permit requirement. The cutting of trees or harvesting of forest products within a woodland shall be subject to a permit process, and no cutting or harvesting shall be performed without such permit having first been issued. The township board shall, by resolution, establish a woodland review board which shall review all applications for woodland permits and have the authority to establish restoration and reforestation requirements for violations for purposes of subsection (m)(3) and as a condition of its decisions.
- ii. Site plans, plats and non-subdivision lots. Where a permit request involves a site plan or plat or development of a non-subdivision lot lying either wholly or partially within a woodland, the woodland review board shall apply those provisions contained in subsection E and advise the planning commission or township board regarding compliance of the proposed site plan or plat with those provisions.
- iii. Essential services/utilities. Where a permit request involves the excavation, trenching or construction of an essential service/utility lying either wholly or partially within a woodland, the township shall apply those provisions contained in subsection F.

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- iv. Tree preservation areas. Where a permit request involves the cutting of trees or removal of forest products lying either wholly or partially within a designated tree preservation area, the township shall apply those provisions contained in subsection G.
- v. Subdivision lots predating ordinance. Where a permit request involves the cutting of trees or removal of forest products lying within a woodland on an existing lot or outlot within a one-family subdivision approved prior to the adoption of the woodland ordinance, the township shall apply those provisions contained in subsection H.
- vi. Woodland harvesting. Where a permit request does not involve a site plan or plat lying either wholly or partially within a woodland, the woodland review board shall evaluate the petition and direct the environmental director or manager on the disposition of the requested permit utilizing those provisions contained in subsection D.

D. WOODLAND PERMIT FOR HARVESTING

- i. Application and review:
 - a. There shall be no cutting of trees or harvesting of forest products lying either wholly or partially within a woodland without there first having been a woodland permit applied for jointly by both the owner of record of the woodland and the tree harvester, and the permit having been issued by the township. Woodcutting and harvesting of forest products within a woodland without there first having been a woodland permit issued shall subject the person(s) who authorized or knowingly permitted the individual to remove the trees, as well as the person(s) who removed the trees to fines and penalties as provided for within this chapter.
 - b. There shall be a woodland permit fee established by resolution of the township board.
 - c. The woodland permit application shall be submitted to the environmental department and shall include the following information:
 - (1) A legal description of the property for which the woodland permit is requested.
 - (2) The application shall be signed by both the owner(s) of record of the property

- where the harvest is proposed and the tree harvester.
- (3) A harvest plan for the woodland prepared and signed by a forester licensed and registered in the state. The harvest plan shall incorporate the following information and standards in addition to a complete description of the products to be harvested:
 - (a) A present description of the woodland specifying basal area, tree species mixture, a sampling of tree size and the notation of unusual, scarce or endangered trees.
 - (b) A one hundred (100) percent tally of trees to be harvested stating the species, size and quantity. This tally shall include those trees removed which are diseased, damaged or in an otherwise unhealthy condition.
 - (c) A general description of the woodland after the proposed harvest specifying basal area and tree species mixture. A basal area which provides canopy cover, reproductive capacity, understory structure, and wildlife habitat sufficient to maintain the function performed by the particular forested area disturbed shall be maintained within the woodland after harvesting. This basal area will be determined based upon the application of principles of forestry science, as proposed by the applicant and approved in the reasonable discretion of the woodland board after consultation with the township forester.
 - (d) A list of equipment to be used in the harvest process in order to estimate the amount of damage which can be expected to nonharvested trees within the woodland.
 - (e) Trees which have trunk diameter of more than twenty (20) inches, when measured four and five-tenth (4.5) feet from the ground, shall not be included in the



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- harvest unless special written exception is noted on the permit. Special exceptions shall be granted in the case of totally damaged or diseased trees, or in conformance with a plan approved to achieve sound forestry management objectives.
- (f) The diversity of tree species shall be maintained within the woodland at generally the same ratio both before and after the harvest, except to the extent the applicant demonstrates and the township's forester reasonably finds and explains that maintenance of such diversity will serve no purpose, or is inconsistent with standards customarily applied in the forestry industry.
 - (g) The perimeter of the woodland shall not be disturbed and shall be maintained at a width of at least one hundred (100) feet, except for ingress and egress points as indicated on the approved woodland permit. If a petitioner demonstrates unnecessary hardship as a result of this requirement, the woodland board shall grant relief to the extent necessary to remove the unnecessary hardship.
 - (h) A time schedule for the start and completion of all work within the woodland.
 - (i) The estimate value of the harvest based on the sale of the forest products, not the fee paid to the landowner, shall be included as part of the harvest plan.
- (4) A restoration program and time schedule shall be included and provide for the following:
- (a) Grading and seeding all areas disturbed as a result of the harvest activity, including wheel ruts, log yards, aprons and concentrated work areas.
 - (b) Tree stumps shall be cut flush with the ground.
- (c) For all trunks and branches four (4) inches or greater in diameter, crowns of felled trees shall be reduced to firewood length and stacked unless they are to be removed from the site as they are cut. Trunks and branches less than four (4) inches in diameter shall be reduced to woodchips and left on the site.
- (5) The environmental director or manager shall review the woodland permit application for both completeness and adherence to ordinance standards. A site inspection of the subject woodland shall be made by or for the environmental director or manager. The township's Method for Woodland Inventory and Evaluation, dated June 7, 1984, incorporated by this reference, shall be completed by the township forester as part of the on-site inspection and compared with the woodland permit application to determine the accuracy of the application.
- ii. Public hearing required: After reference by the director of the planning and environment, or his designee, the woodland board shall hold a public hearing as expeditiously as possible on the woodland permit request as established in subsection I. The woodland board shall inform the planning and environment director or his designee as to the disposition of the permit request.
 - iii. Woodland permit:
 - a. Upon approval of a woodland permit, the petitioner shall be required to post a letter of credit or establish an escrow account with the township in the amount of at least ten (10) percent of the estimated value of the proposed harvest, or five thousand dollars (\$5,000.00), whichever is greater. The permit shall only be issued following the posting of the required assurances. The escrow amount shall be returned to the petitioner upon completion and inspection by or for the environmental director or manager of the restoration work required by the approved woodland permit.
 - b. In the event of nonperformance of work required as part of the permit within the time limit established by the woodland permit, the escrow account shall be

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- forfeited to the township at a rate of five (5) percent per day for each day of nonperformance. The permit holder shall be entitled to request and obtain a hearing before the woodland board to demonstrate good cause for the delay. Such request shall be presented within twenty-one (21) days of the end of the time limit established in the permit. Following the hearing, the woodland board shall specify the amount of the forfeiture, if any, based upon the amount of time which elapsed following the time limit without good cause. Until the end of the twenty-one (21) days within which a hearing may be requested, or until a decision is made by the woodlands board on a timely request, whichever is applicable, the forfeiture shall be held in abeyance.
- c. A woodland permit, having been approved, shall be valid for a period not exceeding one (1) year from the date of issuance. All restoration work prescribed as part of the woodland permit must be completed within six (6) months from the start of work within the woodland. Extension of the six-month limit may be granted by the planning and environment director up to an additional six (6) months, providing it is requested in writing by the permit holder(s), the conditions which existed at the date the permit was granted remain unchanged, and the reasons necessitating the extension are provided.
 - d. The approved woodland permit shall be posted by the petitioner on the site in full and obvious view to the casual observer prior to work starting on the site. Posting location near a road is preferred. The township ordinance enforcement officers and the police department are authorized to enforce the provisions of this section.
 - iv. Woodland permit appeal: An appeal of a woodland permit, denial of a woodland permit or denial of the extension of the six-month limit on restoration by the planning and environmental director shall be made to the township board in accordance with subsection J.
 - v. Creation of new unregulated woodland:
 - a. Subject to the conditions set forth below in this Subsection (5), a person may plant trees so as to create a new area which would otherwise be or become a woodland, as defined in this section, but which shall not be considered or mapped as a woodland.
 - b. An area of newly planted trees shall not be considered or mapped as a woodland if all of the following conditions are met prior to the planting of any new trees:
 - (1) No part of the area on which the trees are to be planted shall be within an existing woodland, and the canopy coverage of the trees over the area in question shall be less than fifteen (15) percent of the total area on which the new trees are to be planted.
 - (2) The owner of the property shall submit to the environmental department a plan prepared by a State of Michigan registered forester, outlining and describing the plan for the planting, maintenance and removal of the new trees. Such plan shall be subject to approval by the township's forester for the purpose of confirming that the plan is designed to achieve sound forestry management objectives.
 - (3) There shall be ongoing conformance with the approved forestry management plan.
 - c. The environmental department shall maintain the forestry management plan on file at the township unless and until the plan has been carried out to completion.

E. WOODLAND PERMITS FOR SITE PLANS, PLATS AND NON-SUBDIVISION LOTS

- i. Application and review:
 - a. There shall be no cutting of trees or harvesting of forest products lying either wholly or partially within a woodland for the purpose of developing a site plan or plat without there first having been a woodland permit applied for and a permit issued by the township. Any woodcutting or removal of forest products within a woodland without there first having been a woodland permit issued shall subject the person(s) who authorized or knowingly permitted the individual to remove the trees, as well as the person(s) who removed the trees, to the fines and penalties as provided for



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within this chapter. It shall be the responsibility of the developer to notify the individual builders or owners of all restrictions pertaining to the preservation of woodlands pursuant to the approved woodland permit.

- b. Development of platted or unplatted parcels containing woodlands shall be subject to the woodland review and approval procedures if the site plan proposes encroachment into the woodland. This woodland acreage is independent of property lines and may incorporate contiguous woodlands on adjacent property.

- c. Maximum woodland disturbance:

- (1) During a ten-year period prior to the adoption of this amendatory language of this section, a state-registered forester has made determinations in the township with regard to the extent of tree removal which may be permitted within a level of tolerance which achieves the conservation of woodland resources and concurrently allows new development to occur. Measurement has considered physical improvements, and the accompanying fringe damage caused during construction and which results from occupancy and use following construction. Based upon this long pattern and practice of determinations, as well as the actual development experience on woodland properties, and based upon the advice of the township's consulting forester, it has been concluded that, in order to make provision for the conservation of woodland resources and concurrently allow for reasonable development, a specified level of disturbance should be permitted, with flexibility for additional disturbance in those instances in which there are substantial woodlands on the site to be developed. Consistent with this conclusion, subject to adjustments specified in this subparagraph, and subparagraphs (2) and (3) below, there shall be an entitlement to a woodland disturbance in connection with the development and use of a site plan or plat equal to twenty-five

(25) percent of each tree stand within the woodland area on the property in question, with the specific disturbance area to be determined as provided in this chapter. The balance, or seventy-five (75) percent of the area of each tree stand on the property in question shall be preserved from such disturbance. The woodland board shall permit a disturbance level greater than twenty-five (25) percent, but not exceeding forty (40) percent, where the following are demonstrated:

- (a) More than twenty (20) percent of the site to be developed consists of woodlands; and
 - (b) The property may not be developed to the following densities unless a greater disturbance level is permitted: for residential property, one and one-half (1 1/2) residential units per gross acre; and for nonresidential property, fifteen (15) percent gross floor area in relation to the total site (for these calculations, the area of the site shall not include those portions of the property which are not buildable as a result of watercourses and wetlands unless and to the extent that a permit has been issued authorizing such development). The extent of greater disturbance permitted by the woodland board shall be the minimum additional disturbance needed to achieve the residential and nonresidential development density specified above.
- (2) Based upon a review of the particular woodland, the woodland board may establish an adjustment maintaining the overall woodland disturbance at twenty-five (25) percent, but specifying greater disturbance than twenty-five (25) percent of one (1) tree stand coupled with a corresponding decrease in disturbance of one (1) or more other tree stands on the property in

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question. Such adjustment shall be established based upon a consideration of the relative quality rating of the respective tree stand as analyzed by the township's registered forester, using the following quality rating criteria: species; likelihood of survival following development; tree stand size tree stand density; habitat potential; wildlife observation; scenic quality; and general health of tree stand. Regardless of the adjustments made in accordance with this subparagraph (2), considering all tree stands, there shall be an entitlement to a combined area of disturbance within the woodland area on the property in question of twenty-five (25) percent. In the administration of this subparagraph (2), the woodlands board shall take into consideration the objectives of this Section 26-3.1.21, the standards contained in this subparagraph, as well as the interests of the petitioner which are brought to the attention of the woodlands board during the decision-making process relating to this subparagraph. To the extent that a disturbance level greater than twenty-five (25) percent is permitted as provided in subparagraph (1) above, or in subparagraph (3) below, the provisions of this subparagraph (2) shall apply to such greater disturbance level.

- (3) The area of tree removal disturbance permitted in subparagraph (1) above may, in all events, be increased if and to the limited extent the applicant demonstrates that greater disturbance is necessary in order to provide space for sufficient buildings, structures, roads, drives, parking and utilities so that the land may be put to use which does not constitute a regulatory taking of the property. Such demonstration must include a showing that there is no feasible and prudent alternative to development which requires increasing the area of woodlands disturbance. In the event of a dispute with regard to whether the land may be put to a use which does not constitute a regulatory

taking, or with regard to whether there is a feasible and prudent alternative for development of the land, an appeal may be taken in writing to the township board within twenty-one (21) days of the final decision of the woodland board or planning commission, as the case may be. If the applicant feels aggrieved from the decision of the township board on appeal, the applicant, within twenty-one (21) days of the date of the decision on appeal by the township board, shall be entitled to file an action in the circuit court for the purpose of appealing the determination on the question remaining in dispute. Pending decision of the court, the determination of the township shall not be final. If the applicant does not file a timely appeal to the township board, or if the applicant does not file an appeal in the circuit court in a timely manner, as provided above, the decision of the woodland board or planning commission, or the decision of the township board, as the case may be, shall be deemed to be reasonable and acceptable to the applicant and shall be final.

- (4) The site plan or plat review process for parcels of land containing woodlands shall include a procedure of inventory and evaluation to be performed by the township's registered forester. The site plan or plat shall incorporate the boundary of the woodland as it exists, and a proposed woodland disturbance configuration which shall delineate the specific boundary of the area of the woodland requested to be disturbed. The woodland disturbance configuration shall be determined based upon the applicant's site planning considerations, the provisions of Subsection E.i.c. above and shall also take into consideration the following:
 - (a) Conservation of the separate identified tree stands within the woodland.



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- (b) Soil type (permeability, fertility, structure), considering the likelihood of survival following development.
 - (c) Reproductive capacity (sexual and vegetative).
 - (d) Vegetative species diversity (longevity, food value).
 - (e) Vegetative density (stem count).
 - (f) Basal area.
 - (g) Wildlife habitat.
 - (h) Other factors deemed relevant to preservation of the woodland based upon particular characteristics.
- (5) The site plan or plat shall reflect the conservation of the woodland by either:
- (a) Selective clearing within the woodland to create wooded sites; or
 - (b) Creation of private woodland park areas within which no development or clearing shall take place. Utilities, roads or similar infrastructure may be permitted within such woodland park areas if and to the extent the disturbance of such improvements would not result in the maximum disturbance area being exceeded.
- (6) The site plan or plat shall be considered for review by the woodland board upon completion of the woodland inventory and evaluation report by the township's registered forester and the site plan or plat application requirements. The site plan submitted by the petitioner for review by the woodland board shall include the following information:
- (a) A plan representing disturbance to the woodland which shall consist of either:
 - (i) A survey showing the location of the entire woodland boundary on

the petitioner's property and the location, size and species of all trees within the woodland contained on the petitioner's property that are equal to or larger than six (6) inches in diameter. The ground survey map shall be of sufficient scale to depict disturbance impact. A printed summary denoting the tag number of each tree, its size and species, the number of trees in each diameter size class, and number of median size trees per acre shall be included as part of the ground survey map for the petitioner's property; or

- (ii) An aerial survey map showing the boundary of the woodland on the petitioner's property as depicted on the official township woodland map. The aerial survey of the site shall include a fifty (50) feet to one (1) inch scale map of the petitioner's property to identify the proposed disturbance area.
- (b) The topographic contours at two-foot intervals, proposed grades, proposed elevations of roads, garage floors and brick ledges for all buildings. This required information shall be provided for a distance of fifty (50) feet beyond the property line.

- (c) The proposed location of all utility lines, including water, sanitary and storm sewers, gas and similar infrastructure and the approximate depth of the buried utility. The site plan shall also include where off-site improvements are intended such as the extension of water and/or

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sewer, and if these off-site improvements impact a woodland area.

- (d) The location of all improvements within the woodland, such as, but not limited to, buildings, roadways, and stormwater retention basins resulting in direct or indirect removal of woodland vegetation. For purposes of this section, direct removal is a term describing trees which will be removed from actual construction envelopes. Trees within ten (10) feet of the approved location of a building or structure shall be considered and deemed to be removed. For the purposes of this section, indirect removal is a term describing those trees which survive initial disturbance activities, but which are ultimately removed because of death caused by damage created as a consequence of soil compaction, wind breakage, equipment damage, site grading and other construction activities.
- (e) A written summary shall be provided listing the calculated amount of land area and tree removal count occurring within each woodland construction envelope proposed within the woodland. The tree removal count shall be based on either the ground survey technique or aerial survey technique used in Subsection E.i(6)(a) and the field plot data contained in the forester's report. A summation of the total land area and the total tree removal count within each of the disturbance categories listed above shall also be included for the entire woodland site. The site summary shall be expressed in terms of a total square footage and percentage of land area and total and percentage of tree removal.
- (f) A development schedule that will provide a staged clearing plan, establishment of ground control points for determining compliance with allowed disturbance limited, marking of trees planned for direct removal, and a dirt plan identifying the method and placement of earth materials resulting from disturbance activities such as basement excavation, road grading and utility construction.
- (g) Where a woodland abuts a designated natural beauty road, the woodland shall be maintained for a width of at least fifty (50) feet beyond the future right-of-way line. This fifty-foot-wide greenbelt may be crossed with utilities and a driveway only if no other practical alternatives exist for the development of the site upon approval by the woodland board. In addition, if the petitioner demonstrates unnecessary hardship as a result of this requirement, the woodland board shall grant relief to the extent necessary to remove the unnecessary hardship.
- (7) Siting requirements for woodland construction envelopes and other disturbances within the property under review shall take into consideration the following criteria: maintenance of property distance between disturbances to sustain shade-tolerant species, prevent windthrow, reduce soil erosion, preservation of water infiltration rates to sustain soil moisture regimes and localized groundwater flow, preservation of sensitive or critical plant species, and preservation of wildlife habitat.
- (8) The removal or relocation of trees shall be limited to those instances



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- when necessary for the location of structures or site improvements and when no feasible and prudent alternative location for the structures or improvements can be accomplished without causing undue hardship.
- (9) The proposed activity shall be in compliance with all other applicable codes and ordinances.
- ii. Public hearing required. After reference by the environmental director or manager, the woodland board shall hold a public hearing as expeditiously as possible on the woodland permit request as established in Subsection I. The woodland board shall inform the planning and environment director or his designee as to the disposition of the permit request.
 - iii. Woodland permit.
 - a. For those developments and operations where the planning commission is the final approval authorized as defined in this chapter, the planning commission, after review of the recommendation from the woodland review board, may authorize the issuance or denial of a woodland development permit as specified by the woodland review board. Any permit issued shall be issued by the planning and environment director.
 - b. For those plats, developments and operations where the township board is the final approval authority, the recommendation of the woodland board shall be referred to the township board by the planning commission along with a separate recommendation for the disposition of the plat, development or operation. The township board may authorize the issuance of a woodland development permit by the planning and environment director with or without specific conditions attached or deny the issuance of the woodland development permit.
 - c. Upon approval of a woodland permit, a letter of credit or escrow account shall be posted with the township as a condition of site plan approval by the petitioner to guarantee compliance with the disturbance conditions stipulated in the site plan. The amount of the financial instrument shall be no less than ten (10) percent of the total inventory of median size trees and larger to be preserved on the site as calculated by the total undisturbed land area times the field tree density data in the forester's report times six hundred dollars (\$600.00). This financial instrument shall be structured in such a manner that if the total disturbed land area, either directly or indirectly, exceeds the number allowed on the approved site plan, this account shall provide for replacement landscaping at the rate of six hundred dollars (\$600.00) per removed tree in excess of approved allowance. The environmental director or manager shall authorize such replacement landscaping as soon as practical. The letter of credit or escrow account shall be maintained until the development is completed or final certificates of occupancy are issued, although reductions in the amount of the instrument are allowed as portions of the site are completed and final certificates of occupancy are issued.
 - d. The issuance of building permits shall be contingent upon compliance with the approved clearing schedule and inspections by the township. Through the process of periodic site inspections by or for the environmental director or manager, a tally of both direct and indirect tree removal will be maintained by the township. The petitioner shall be notified in writing by the environmental director or manager or designee when and where replacement plantings are required. There shall be a final inspection made by the township for compliance with these woodland provisions or respective lots upon completion of the development and prior to release of final certificates of occupancy and letters of credit or escrow accounts on deposit with the township.
 - e. On single-family lots within a woodland the application for a building permit shall be accompanied by a grading plan developed in accordance with article XIII, Grading. In addition to the minimum requirements required in article XIII, the grading plan shall include the size, location and species of all trees six (6) inches and larger on the subject property, and specify which trees are proposed to be removed.
 - f. The petitioner shall stake, paint or otherwise delineate the location of all disturbances proposed in the woodland, including roadways, structures, utilities, stormwater

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retention basins, etc., prior to the issuance of the building permit for any construction. The township shall inspect the site for compliance with the approved plan and designate those trees to be removed from the site. Protective fencing may be required around any trees to be preserved. Unless otherwise specified, all trees within the woodland preservation area, regardless of size, shall be protected during construction.

- g. The environmental director or manager may approve minor adjustments to the location of a building, road, drive, utility or other improvement where it can be shown that additional trees, healthier trees or trees with a higher value rating will be preserved as a result of the adjustment, provided the total percentage of trees six (6) inches and larger to be removed and the area of land to be disturbed is not increased and all other codes and ordinances are met. Such changes shall be verified in the field and documented with revised site plans. All such adjustments shall be reported to the supervisor who shall notify the woodland review board.
- iv. Tree protection during construction:
 - a. Before development, land clearing, filling or any land alteration for which a woodland permit is required by this section commences, the developer shall be required to erect, for the protection of remaining trees, barriers as approved by the township. Such protection shall remain in its approved location until such time as it is authorized by the township for removal. During construction no attachments or wires shall be attached to any trees to be protected. The woodland board may require wood, metal or other substantial material in the construction of barriers.
 - b. Except for construction that may be necessary within the temporary construction areas, it shall be unlawful for any person to conduct any activity, including, but not limited to, the placing of any solvents, material, construction machinery, or soil, which may cause the direct or indirect removal of any tree within a woodland preservation area or within the drip line of any other tree which is indicated to be saved on the approved site plan or plat.
- v. Woodland permit appeal. An appeal of a woodland permit or denial of a woodland

permit shall be made to the township board in accordance with subsection (j).

F. WOODLAND PERMITS FOR THE CONSTRUCTION AND MAINTENANCE OF ESSENTIAL SERVICES / UTILITIES

- i. Application and review:
 - a. Except as otherwise provided in this chapter, or unless reviewed and approved under another section herein, there shall be no cutting of trees or removal of forest products lying either wholly or partially within a woodland for the purpose of excavating, trenching, or constructing an essential service/utility without there first having been a woodland permit applied for and a permit issued by the township.
 - b. A woodland permit shall be required where it is documented by or for the environmental director or manager, after the review of those items required in subsection F.i.c. below, that more than two (2) trees six (6) inches or larger in diameter within any thirty-foot length of the proposed woodland construction envelope are to be removed or directly impacted by the proposed construction of the essential service/utility.
 - c. A permit request to construct or maintain an essential service/utility within a woodland shall include plans with the following information for review by the woodland board:
 - (1) The proposed location of the essential service/utility, including any permanent ancillary equipment or structures.
 - (2) Topographic contours at two-foot intervals.
 - (3) The depth of the essential service/utility if underground.
 - (4) Where the essential service/utility abuts a roadway, the location of the existing and planned rights-of-way.
 - (5) The location of the construction and permanent easements for any existing and proposed essential services/utilities.
 - (6) The location, size and species of all trees which are six (6) inches in



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- diameter or larger within the construction easement and an area thirty (30) feet on either side of the construction easement.
- (7) The location, size and species of all trees six (6) inches or larger in diameter to be removed.
 - (8) A list of the type of construction equipment to be used.
- d. The standards provided in Subsection E.i.c. (5), above shall govern the granting or denial of an application for a woodland permit required by this section.
- ii. Public hearing required. After reference by the director of planning and environment or his designee, the woodland board shall hold a public hearing as expeditiously as possible on the woodland permit request as established in paragraph I below. The woodland board shall inform the planning and environment director or his designee as to the disposition of the permit request.
- iii. Woodland permit:
- a. Upon approval the woodland board may require that a letter of credit or escrow be posted with the township in order to assure compliance with the approved woodland permit. The amount of the letter of credit or escrow shall be determined by the woodland board based on the impact to the woodland.
 - b. The woodland board may require the boring of the utility under certain trees and restoration plantings to preserve the integrity of the woodland.
 - c. The woodland board may require the erection of barriers to protect the trees during construction. Such protection shall remain in its approved location until such time as it is authorized by the township for removal.
- iv. Woodland permit appeal. An appeal of a woodland permit or denial of a woodland permit shall be made to the township board in accordance with subsection J.

G. WOODLAND PERMITS FOR TREE CUTTING WITHIN DESIGNATED TREE PRESERVATION AREAS AFTER THE APPROVAL OF A WOODLANDS PERMIT

- i. Permits required. Upon approval of a woodland permit or site plan and unless otherwise specified, it shall be unlawful for any person, without first obtaining a permit from the township, to undertake any construction (i.e., buildings, additions, decks, patios, tennis courts, pools, outbuildings or other attached or detached accessory structures) or activities which will cause the direct or indirect removal of any tree within a designated tree preservation area. A tree preservation area shall be defined as any area within a woodland, regardless of size, where trees are indicated to be saved on the approved woodland permit, site plan or plat.
- ii. Submittal of application. All applications for a permit to remove trees within a designated tree preservation area beyond the prescribed limits of a woodland permit or site plan shall be accompanied by a dimensioned plot plan showing the following:
 - a. Date, north point and scale.
 - b. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - c. The dimensions of any easements on the subject property, and the dimensions and depths of any proposed underground utilities or services which require the removal of trees.
 - d. The location and dimensions of the building and driveway envelope as approved on the original woodland permit and/or site plan.
 - e. The location of all existing and proposed structures on the subject property.
 - f. Existing and proposed contour data when the application involves filling or grading activities of more than two (2) cubic yards.
 - g. The size, location and species of all trees four (4) inches and larger on the subject property. The size of a tree is measured in terms of diameter, measured four and five-tenth (4.5) feet (dbh) from the base of the tree.
 - h. The size, location and species of all trees four (4) inches dbh and larger to be

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- removed, both directly and indirectly, as a result of the proposed activity.
- iii. Review criteria. In reviewing an application for a permit it shall be presumed that an earlier determination under this section establishing the woodland preservation area shall remain in effect unless the applicant demonstrates that further disturbance should be permitted based upon the following:
 - a. Danger to life, health or property.
 - b. The absence of feasibility of alternatives.
 - c. Quality of the woodland-unique species.
 - d. The absence of impact to wildlife, including their habitats.
 - e. The size of the woodland.
 - f. The economic value, both public and private, of the proposed change to the general area.
 - g. The location of utilities.
 - h. Changes in grade and light penetration and the impact to the surrounding woodland.
 - i. Mitigating factors, such as additional plantings, removal of diseased trees, etc.
 - j. Other factors as are in harmony with the purpose of this section (e.g., Subsection E.i.d. above).
- iv. Review of application. After reference by the environmental director or manager, the woodland review board shall hold a public hearing on the permit application as provided in subsection I, with review to be determined by the location and extent of the proposed tree clearing activities as follows:
 - a. One-Family Residential Lots: Where the proposed activity involves the removal of trees within a designated tree preservation area on platted or condominium one-family lots, the permit application shall be reviewed by or for the environmental director or manager, who shall refer to the permit application to the woodland review board. The woodland review board shall review the application and after review shall either approve the application with or without amendments or deny the application, stating its reasons for denial.
 - b. Other than One-Family Residential Lots: Where the proposed activity involves the removal of trees within a designated tree preservation area that is not on a platted

- or condominium single-family lot, the application, review and decision process shall be in accordance with subsection E.
- c. Woodland permit appeal. An appeal of a woodland permit or denial of a woodland permit shall be made to the township board in accordance with subsection J.
- v. Acts for which a permit is not required. On one-family lots within a platted or condominium subdivision in a woodland, the following tree cutting activities are permitted without a permit from the township:
 - a. Any tree within ten (10) feet of the approved location of a one-family dwelling and its accessory driveway, single garage and underground utilities. This exception to the permit requirement does not apply to other accessory buildings or structures.
 - b. Any other tree designated for removal, as shown on the approved woodland permit or site plan.

H. TREE CUTTING ON ONE-FAMILY SUBDIVISION RESIDENTIAL LOTS APPROVED BEFORE THE ADOPTION OF THE WOODLAND ORDINANCE

- i. Acts for which a permit is not required. On those lots or outlots within one-family subdivisions that received final plat, final preliminary plat or final site plan approval prior to the adoption of the woodland provisions of the zoning ordinance and any subsequent amendments thereto, any tree within ten (10) feet of the approved location of a one-family dwelling and its accessory driveway, single garage and underground utilities may be cut without a permit. This exception to the permit requirement does not apply to other accessory buildings or structures.
- ii. Permit required. Except as provided in subsection H.i. above, a woodland permit shall be required for the removal of any other tree on an existing one-family residential lot within a woodland. The application and review process shall be in accordance with subsection E.

I. PUBLIC HEARINGS

Where a public hearing is required under this section, notice of the public hearing shall be sent not less than fifteen (15) nor more than thirty (30) days prior to the hearing date by first class mail to



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the property owners and occupants within three hundred (300) feet of the subject property. Such notice shall also be sent to all subdivision associations and lake associations which are contiguous to the property and are registered with the township. The notice shall indicate that a public hearing has been requested, the nature of the woodland permit request, the petitioner's name and address, and the time, date and location of the hearing. A synopsis of the notice shall also be published in one (1) of the legally approved newspapers of general circulation in the township.

J. APPEAL OF WOODLAND PERMIT RECOMMENDATION

- i. An appeal may be made by any person from a recommendation or decision of the woodland review board. Such an appeal shall be made to the township board which shall have the authority to approve, reverse or modify any such recommendation or decision. This shall be the only appeal to consider matters pertaining to woodlands.
- ii. Any appeal to the township board must be received in writing by the township clerk within twenty-one (21) days of the woodland board recommendation.
- iii. Public notification of the appeal shall be in accordance with subsection I.
- iv. The township board shall be the only body empowered to reverse or modify a recommendation or decision of the woodland review board. In the absence of reversal or modification by the township board, a recommendation of the woodland review board shall be binding.

K. WOODLAND PERMITS APPROVED PRIOR TO OCTOBER 27, 1989

Site plans or plats approved by the woodland board, planning commission or township board prior to October 27, 1989, shall be exempt from the terms and provisions of the amendments of this section, which became effective on October 27, 1989. Those site plans and plats approved prior to October 27, 1989, shall comply with the terms and conditions of the woodland permit.

L. PERMIT EXPIRATION

Permit Expiration: A woodland permit shall be valid for a period consistent with a valid site plan approval in accordance with section 26-6.1. If not a part of a valid site plan, a woodland permit shall be valid for one (1) year. Any modifications to a site plan or plat which proposes additional encroachment into a woodland other than what was originally approved shall be subject to review of the woodland review board. Where the renewal of a site plan or plat is proposed which would be contrary to the woodland ordinance as a result of amendments to the ordinance subsequent to the original approval of the site plan or plat, the woodland review board shall apply the provisions of the current ordinance in reviewing the proposed renewal of the site plan or plat.

M. ENFORCEMENT

- i. Any person found guilty of violating any of the provisions of this section shall be guilty of a misdemeanor and shall be subject to the fines and penalties as outlined in the Township's Code of Ordinances. Each violation of this section shall constitute a separate offense.
- ii. Any use or activity in violation of the terms of this section is hereby declared to be a nuisance per se and may be abated by order of any court of competent jurisdiction. The township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation. All costs, fees and expenses in connection with such action may be assessed as damages against the violator by a court of competent jurisdiction.
- iii. In addition to the remedies stated herein, the township may order the restoration and reforestation of any woodland which has been impacted as a result of a violation of this section at the violator's expense.

N. MAINTENANCE

Nothing in this section shall be construed to limit or prohibit the regular trimming, pruning and maintenance of trees; the removal of dead, diseased or dying trees; or the trimming or removal of trees which might reasonably be expected to cause injury to persons or property or cause damage to an essential service/utility if left unattended. However, if such maintenance by an essential service/utility will involve woodland tree cutting in an existing easement or right-of-way, a

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permit shall be required pursuant to the provisions of Subsection (f), unless such permit requirement is not permitted by law.

O. EMERGENCY ACTIONS

Emergency Actions: Actions which are made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property, and where deferring such action in order to obtain authorization under this section would jeopardize persons or property, such actions may be taken without authorization under this section to the limited degree necessary. A person taking such emergency action shall, within fourteen(14) days of such action, provide a report to the planning and environment director, describing the actions taken, the nature of the emergency necessitating the action, and the extent of the cutting or removal of, or damage to, any trees or area protected by this section. Such report shall be reviewed by the director to determine whether the action taken was reasonably necessitated by an emergency situation as described above. To the extent actions were taken which exceeded those reasonably necessitated by the emergency, the person in question shall be required to provide replacement trees and take other restorative action as determined necessary by the woodland board under all of the circumstances.

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A. INTENT

- i. The intent of the Township is to establish detailed regulations for development along the Orchard Lake Road Corridor that will create a tangible identity through key, consistent design elements and transform the Township's portion of this important local and regional thoroughfare into a cohesively designed mixed-use transportation corridor that provides for automobiles while building a sense of community specific to West Bloomfield Township. It is the Township's intent to create a dynamic, flexible and sustainable presence insuring long term value for both the community and the region. The regulations encourage a mix of uses and cohesive design so that the Orchard Lake Road Corridor will contain authentic, timeless, and vibrant places, in both the built and natural environment. The following elements will be incorporated into the corridor:
 - a. Gateway elements at key locations in the corridor that create a tangible sense of arrival and reflect the Township's demonstrated support of the arts and environment;
 - b. Dramatic use of landscape along the roadway edges that reflects, displays and demonstrates the Township's value of environmental stewardship;
 - c. Public and quasi-public areas that incorporate significant civic art (i.e. fountains, sculpture, etc.) and natural features;
 - d. A mix of residential and commercial uses that serve the community as well as the region; and
 - e. High-quality design and materials for buildings and the spaces that surround them, based on the high-quality design and materials found in the corridor and in the Township.
- ii. The district shall provide opportunities to enhance and improve economic development, environmental quality, non-motorized transportation, and community gathering places by doing the following:
 - a. Building upon the inherent advantages of access, visibility, and existing investment in various parts of the Orchard Lake Road corridor that will accommodate a variety of uses that respond to local and regional markets;
 - b. Encouraging the creation of "pocket" green spaces (e.g. plazas, small parks, outdoor seating areas, etc.) throughout the corridor that are integrated as part of a larger development and offer local amenities and comfortable environments; and
 - c. Providing connections for pedestrians and cyclists along and across Orchard Lake Road to improve access and mobility in the corridor as well as create a more complete multimodal transportation network in the Township.
- iii. The land development requirements of the Township Center District have been developed in accordance with the recommendations of the adopted Township Master Plan. The Township Center District is intended to permit a full range of uses similar to those permitted in residential, business, office, and office retail zoning districts to occur in a mixed use setting. The specific and detailed dimensional regulations of this District are enacted to ensure that the resulting development occurs in an orderly and attractive manner that respects the existing built environment, and is safe, human-scale, and pedestrian friendly.
- iv. All regulations within the Township Center District apply to all parcels so designated on the Township's Zoning Map. Additionally, there are regulations that apply to sub-districts as established in Subsection C., Sub-Districts, below.

B. MANDATORY OVERLAY DISTRICT

- i. The Township Center District is a mandatory overlay district as designated on the Township Zoning Map. Property in the Township Center District may continue to be used as permitted by the standard zoning district; however, any activity that requires site plan approval in accordance with Section 26-6.1 shall comply with the requirements of the Township Center District contained in this Section.
- ii. Conflict. Whenever any provision of this Section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance or by another provision of this Zoning Ordinance, then the provisions of this Section shall govern.

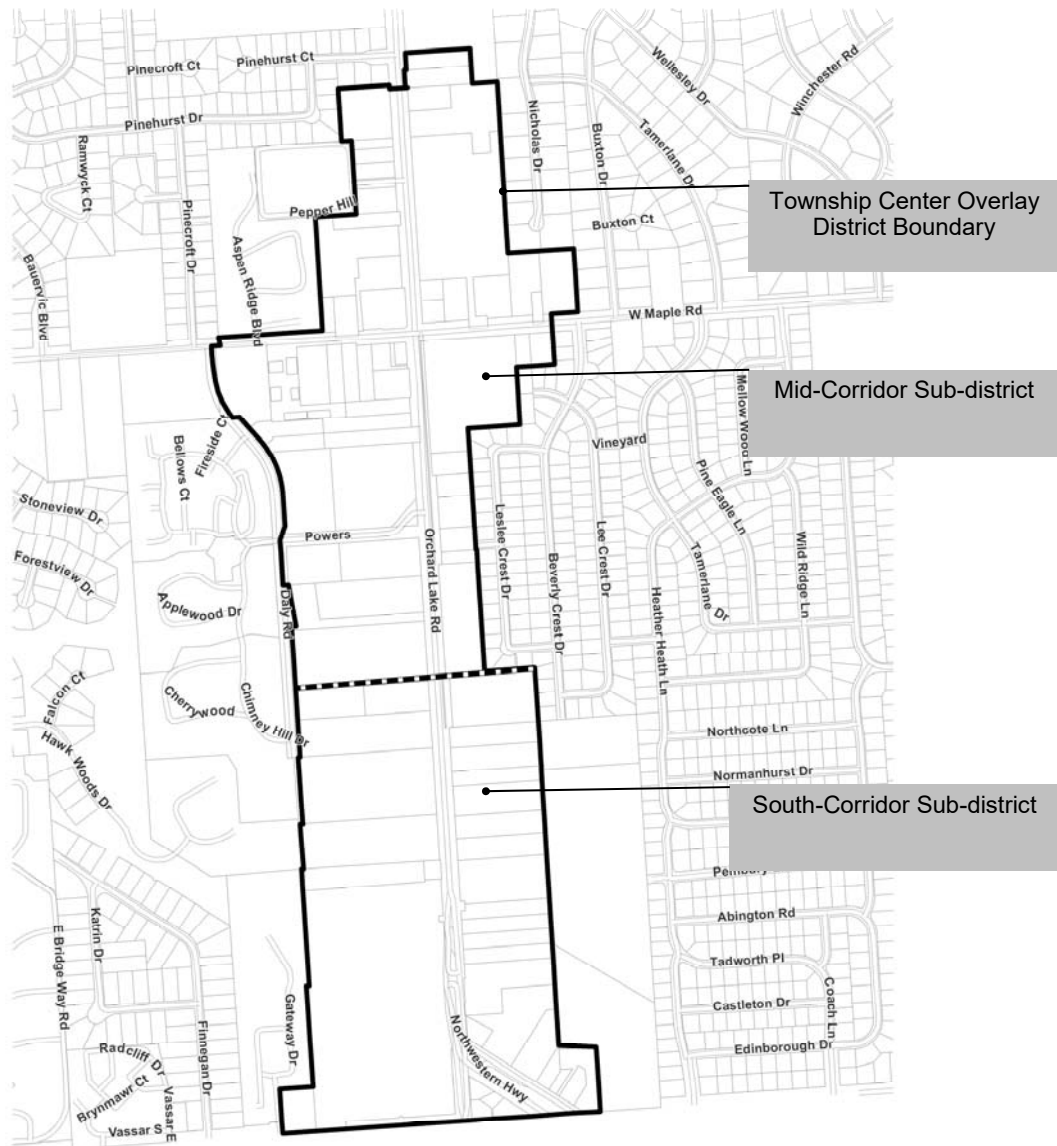


C. SUB-DISTRICTS

The Township Center District consists of two sub-districts, with each sub-district having unique design and use standards. The location of each sub-district is shown below, and the sub-districts are described as follows:

- i. Mid-Corridor sub-district. The development pattern within this sub-district is such that buildings are set closer to Orchard Lake Road than buildings to the south along Orchard Lake Road. Parking is generally provided on the side of buildings or in the rear.
- ii. South Corridor sub-district. The development pattern within this sub-district is such that buildings are set back farther than buildings to the north along Orchard Lake Road. Parking is generally provided in front of buildings, as well as on the side of buildings or in the rear.

MAP 3.1.22.C MID- AND SOUTH-CORRIDOR SUB-DISTRICTS



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D. PERMITTED USES

Table 3.1.22.D lists all of the principal permitted uses and uses that may be permitted following special land use approval in the Mid-Corridor and South Corridor sub-districts Township Center District. If a use is not included in the following table, it is not permitted in the Township Center District.

Use	Town Center District
Accessory massage therapy establishments § 4.56	P
Automobile service station (including repair work)	S
Bank, credit union, saving and loan, financial office building	P
Banquet hall	P
Business school (for profit)	P
Dwelling, in a mixed-use building, above the first floor	P
Dwelling, multiple family	P
Drive-through, non-restaurant, when accessory to a principal permitted use	S
Governmental office or use	P
Health club, up to 5,000 square feet	P
Health club, over 5,000 square feet	S
Hotel	P
Indoor recreation facility (such as bowling alley, dance studio, and similar uses, but not including health clubs)	P
Library, Museum	P
Live/work unit	P
Market, grocery, specialty food	P
Massage therapy establishments § 4.56	S
New or used car sales or showroom (enclosed)	P
Offices (executive, administrative, professional, and sales)	P
Open-air business or use (outdoor retail sales)	S
Parking structures	P
Personal service uses	P
Pet Boarding Facilities § 4.52	
Place of Worship	P
Private club or lodge	P
Private school (for-profit)	P
Professional and medical office	P
Public utility building or structure (without storage yard or water/sewage pumping station)	S
Restaurant, carry-out	P
Restaurant, drive-through § 4.14.3	S
Restaurant, standard	P

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Table 3.1.22.D Permitted Uses in the Town Center District (continued)

Use	Town Center District
Restaurants with outdoor seating	P
Retail business (general)	P
Theater, assembly hall, concert hall, and similar place of assembly	P
Theater, movie	P
Veterinary clinic (enclosed)	P
Water and sewage pumping station	S

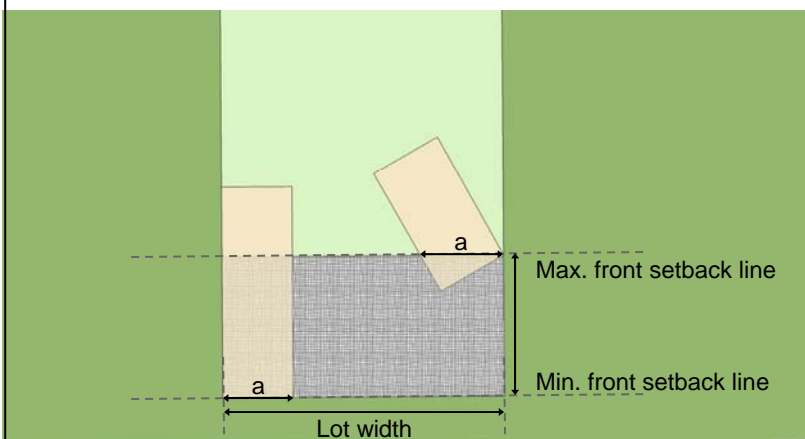
P=permitted use S= special land use

E. BUILDING PLACEMENT

Building placement shall comply with the following regulations related to corridor frontage area, and setbacks for the front, side, and rear.

- i. Corridor frontage area. In the corridor frontage area, a minimum of forty-five 45% of the lot width shall be occupied by buildings. This shall be measured at the widest point of each building located within the corridor frontage area.

BUILDING PLACEMENT: CORRIDOR FRONTAGE AREA



Corridor frontage area:

A minimum of 45% of the lot width shall be occupied by buildings, as measured at (a), the widest point of each building located within the corridor frontage area.

ii. Building Setbacks.

- a. Front or exterior side yard setbacks. Setbacks shall be measured from the centerline of the road and vary by road type and location in the corridor as provided below:
 - (1) Regional Road (Northwestern Highway with two hundred (204) foot right-of-way): Minimum setback of one hundred and thirty two (132) feet, maximum of two hundred and sixty two (262) feet.
 - (2) Major Thoroughfare (Orchard Lake Road or other road with one hundred sixty 160 foot wide right-of-way)
 - (a) Mid-corridor sub-district: Minimum of one hundred five (105) feet, maximum of one hundred ninety (190) feet.

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- (b) South corridor sub-district: Minimum of one hundred eighty five (185) feet, maximum of two hundred sixty 260 feet.
- (3) Thoroughfare (Maple Road where one hundred fifty (150) foot wide right-of-way exists): Minimum of eighty five (85) feet, maximum of one hundred sixty five (165) feet.
- (4) Thoroughfare (Maple and Daly Roads or other road with one hundred twenty (120) foot wide right-of-way): Minimum of seventy (70) feet, maximum of one hundred fifty (150) feet.
- (5) Collector (Powers Road or other road with eighty six (86) foot wide right-of-way): Minimum of fifty three (53) ft, maximum of one hundred seventy (170) feet.
- b. Side and rear yard setbacks. Setbacks shall be provided in accordance with the table below.

Yard	Adjacent Zoning District		
	Non-Residential	Multiple Family Residential	Single Family Residential
Side	10 feet	30 feet	75 feet
Rear	10 feet	30 feet	75 feet

Modification. When a seventy five (75) foot setback is required, the Planning Commission may approve a lesser setback if it finds the applicant has designed the building and site to mitigate the impact on adjacent single family residential dwellings. This may be accomplished through building design that maintains consistent architectural features on all four sides of the building and site improvements that increase landscaping and screening as well as limit service access, including the loading and unloading of vehicles, in the areas adjacent to residential districts.

F. BUILDING HEIGHT

- i. Minimum Height. One (1) story buildings shall have a minimum height of eighteen (18) feet.
- ii. Maximum Height. The maximum building height in the Township Center District shall be three (3) stories or forty two 42 feet, whichever is less. Additional building height may be permitted as provided in Section F.iii., below.
- iii. Additional Height. Buildings may be permitted up to five (5) stories or sixty four 64 feet with special land use approval. Standards for granting special land use approval shall include:
 - a. The increased height shall not negatively impact adjacent uses, especially residential uses.
 - (1) The siting of the building shall not unreasonably impair the ability of adjacent properties to enjoy direct sunlight.
 - (2) The siting of the building maintains a reasonable expectation of privacy for adjacent residential uses.
 - (3) Additional setbacks shall be required. The setback shall be increased to a minimum of one hundred (100) feet from an abutting single family residential district and seventy five (75) feet from an abutting multiple family residential district.
 - b. The mass of the proposed building is compatible with adjacent buildings in the corridor.
 - c. Any building over three (3) stories shall be built to the minimum standards which would be necessary to achieve the most recently adopted minimum LEED certification.
- iv. Exceptions. Rooftop equipment may cover no more than 15% of the total area of the rooftop, provided that such equipment does not exceed 15 ft in height. All such rooftop equipment shall be screened from public view with materials that complement the building and setback at least fifteen (15) ft from the edge of the roof if the screening height is greater than five (5) ft. If used, a parapet shall not exceed three (3) ft in height.



Township Center District (Continued) 3.1.22

G. BUILDING APPEARANCE

In the Township Center District, building appearance is extremely important in the redevelopment of the Orchard Lake Road Corridor. Buildings shall be designed in an attractive and interesting manner to create an identity for the Township's portion of this important commercial thoroughfare as provided in the Orchard Lake Road Corridor Design Study, which is on file and available at the Township Planning Department. Attractive and context-sensitive architectural design, including building materials and colors, shall be carried throughout the corridor so that the corridor will contain authentic, timeless, and vibrant places. Designs shall provide visual interest and variety, yet be consistent with the architectural character of area.

- i. Scale and proportion. In general, buildings shall relate in scale and proportion to other buildings in the area. However, buildings of different size can be made architecturally compatible through skillful design and careful orientation. Human scale shall be created by building massing form, as well as the use of architectural elements such as colonnades, canopies, walkways, street-level display windows, lighting, and a variety of building materials. Human scale shall be further reinforced by site design features around the building exterior.
- ii. Building facades. Architectural details such as texture, pattern, color, and building form used on the front facade shall be incorporated on all visible building facades. However, such requirements shall not apply to any façade(s) facing service courts or other areas generally not visible to the public. For facades facing a public or private street, visual breaks shall be provided in the façade at least every thirty (30) feet by two (2) or more of the following elements:
 - a. Vertical articulation in the plane of the façade by at least two (2) feet; or
 - b. A change in façade material, color, texture or pattern, when coordinated with vertical articulation, columns, or pilasters; or
 - c. Columns or pilasters with a minimum four (4) inch horizontal depth from the plane of the façade.

For other building facades, the above interval change shall be at least every sixty (60) feet.

Floors shall be distinguished by a distinct horizontal element, such as change in the depth of plane, color, texture, pattern, or building material. Canopies or awnings may be used between the first and second floor (See Figure 3.1.22.G.ii Building Facades).

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FIGURE 3.1.22.G.ii BUILDING FACADES
Buildings must provide visual interest through a change in façade articulation, breaks, columns, height changes, or changes in color, texture, or pattern.



This one-story building does not comply. There is no articulation of the façade, which is one large blank wall.



This one-story building does comply. There is articulation of the façade, including a change in the vertical plane when the material and/or the color changes.

Elements that project from the façade, such as canopies or awnings, help break up the mass of a building, creating interest and attracting users.

This multi-story building does not comply.



With no façade projections and no changes in the material or color, this building has little architectural interest and is inappropriate for the Orchard Lake Road Corridor..

This multi-story building does comply.



A change in the vertical plane and the addition of awnings between the first floor and upper floors helps define the building.

Pilasters are used to visually divide the building into smaller units.



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iii. Building massing.

- a. Building massing shall be varied to create a logical hierarchy of building forms; to break up long expanses of facade; to create shade and shadow; and to create “human scale”.
- b. At least one (1) pedestrian pass-through, a minimum of ten (10) feet wide, from the front of the building to the back shall be provided every two hundred (200) feet of building width. The pass-through may be covered or uncovered. If covered, the pass-through shall be lit at minimum site lighting standards indicated in Section 5.6. If a building is placed adjacent to the rear yard and a pass-through would not connect the front of the building with a parking lot, pedestrian area, place of interest, or similar feature, and alternative architectural elements are proposed that have the effect of breaking up the building mass, a pass-through is not required. The display of goods for sale may be permitted in the pass-through, provided that such goods are stored within the business when the business is closed and a five (5) foot minimum pedestrian through-way is maintained. A pass-through shall not be used for storage.

iv. Building materials.

- a. Primary materials. Buildings shall mainly be comprised of high quality building materials such as brick, stone, cultured stone, decorative wood, integrally colored concrete masonry units (that are similar in appearance to clay brick units), decorative block (e.g. split- or smooth-faced), decorative fiber-reinforced cement siding (such as Hardie board or plank), decorative metal panels, tile, decorative glass, and the like, as determined to be similar by the approving body. Materials shall be left in their natural state and shall not be painted or otherwise modified, with the exception of siding, stucco, or other similar materials. Clear or lightly tinted glass (with a final visible light transmission (VLT) value of not less than seventy five (75) percent) is required on the ground floor to encourage pedestrian traffic.

Materials dissimilar to those described above may be permitted when incorporating other characteristics such as scale, form, architectural detailing and color to make the building compatible with the area.

- b. Secondary materials. Individual “corporate image” architectural design elements and colors shall only be incorporated as secondary elements to the development and not as the dominant element. Such elements shall be consistent and blend with the larger development area. Materials requiring low maintenance are recommended over high maintenance materials. For instance, materials with integral color are generally recommended over materials that require painting. Non-durable materials such as EIFS shall only be permitted above the first floor and only as an accent material, not to exceed 20% of the building façade.
- v. Service and mechanical areas. Shared trash and recycling containers and compactors are encouraged to reduce the amount of site dedicated to trash service. All service and mechanical areas shall be designed as architectural features of the building and entirely screened from view. Screening shall be equal in height to the top of the trash and recycling containers. In no instance shall the containers or screening exceed eight (8) feet in height. Refer to Section 5.16 for additional requirements.

H. LIGHTING

- i. Site lighting in the Township Center district shall comply with the Township Center Lighting Standard that is on file with the Township Planning Department. For additional lighting requirements, refer to Section 5.6.
- ii. Building lighting shall be architecturally integrated with the building style, material, and color.
 - a. Exterior building lighting that utilizes exposed neon tubing or similar outline lighting device is prohibited.
 - b. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable) downward directed fixtures shall be used.

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- c. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.
- iii. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. The Planning Commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.
- ii. Purpose. The intent of the Township Center District sign regulations are to:
 - a. Establish reasonable and improved standards for business identification.
 - b. Encourage creative and innovative approaches to signage within an established framework.
 - c. Promote economic vitality in the Township Center District.
 - d. Enhance overall property values and the visual environment in the Township by discouraging signs that visually clutter the streetscape.
 - e. Ensure that commercial signs are designed for the purpose of identifying a business in an attractive and functional manner, rather than to serve primarily as general advertising for a business.
 - f. Ensure signs on the façade of buildings reinforce the intended character of the Township Center District and are integrated into the architectural scheme of the building.
 - g. Promote a quality visual environment by allowing signs that are compatible with their surroundings and that effectively communicate their message.

I. SITE SIGNAGE

The following exterior sign regulations are applicable in the Township Center District, and shall supersede the sign requirements of Section 26-5.15 except where a provision of Section 26-5.15 is specifically referenced.

- i. Applicability.
 - a. No sign may be installed, altered, or erected in the Township Center District unless a sign permit application is first approved by the Building and Planning Departments. Existing, nonconforming signs may be routinely maintained or may have nonstructural panel changes, which shall require a sign permit. Any other alterations require compliance with this section.
 - b. A complete signage package for the entire site, including wall, monument and any other signs, shall be submitted for review with all site plans reviewed by the Planning Commission. The signage plan shall show the general location of each sign band and individual sign location(s) for each tenant space. Any subsequent deviations from the approved signage package shall require Planning Commission re-review and approval. The Planning Commission shall take into account the specific sign design being requested, the location of the sign, the relationship of the proposed sign location relative to other approved sign (band) locations, the overall architecture of the building for the tenant space, and any other information necessary for the Planning Commission to make its decision.
- iii. Design and Materials.
 - a. Exterior materials, finishes, and colors shall complement those used on the principal building and shall be integral to the overall design of the development.
 - b. Signs shall be professionally constructed using high-quality materials such as, but not limited to, metal, stone, hardwood, and brass. The incorporation of COR-TEN® steel or equivalent elements into signs and sign structure design is encouraged, where feasible, in order to implement the recommendations of the Orchard Lake Road Corridor Design Study / Zoning Framework. The use of exposed neon tubing in conjunction with the other types of materials to emphasize the business name or logo is permitted; however, outline tubing of neon, LED, or similar lights, whether flashing or not, visible from the exterior of the building is prohibited.



Township Center District (Continued) 3.1.22

- c. All mounting and supports installed on masonry walls shall be installed so as to minimize irreversible wall damage.
- iv. Sign Lighting. Sign lighting greatly contributes to the overall character and perceived quality of a sign. Signs in the Township Center District shall comply with the following lighting requirements (See Figure 3.1.22.i.iv Examples of Sign Illumination):
 - a. Internal Sign Illumination Prohibited. Internally illuminated signs are prohibited in the Township Center District, except for reverse channel letter signs.
 - b. Externally Illuminated Signs. Light fixtures used for externally illuminated signs such

as gooseneck fixtures or recessed lighting in soffits for wall or projecting signs or ground mounted spotlights for monument signs should be simple and unobtrusive in appearance. Any external sign light source must be designed so that the light source is directed towards the sign and away from pedestrian or automobile travel ways, and the light source must not shine onto adjacent properties or cause glare for motorists or pedestrians. Back-lit and halo-lit lettering is permitted.

- c. Prohibited Signs. The following are prohibited: moving, flashing, animated or intermittently illuminated; non-accessory signs; festoon signs; and portable signs.

FIGURE 3.1.22.i.iv EXAMPLES OF SIGN ILLUMINATION



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v. Multistory Buildings. The following regulations are applicable to multistory buildings:

- a. Ground story tenants shall place signs at the storefront or ground floor level, below the expression line separating the ground story from upper stories.
- b. Upper story tenants may only display window signs. Such window signs shall not be specifically illuminated and may not exceed ten percent (10%) of the total window area appurtenant to the tenant's floor space and in no instance shall cover more than fifty (50) percent of a window's visible glazed surface.

vi. Permitted Signs. The following types of sign are permitted in the Township Center District:

- a. Wall Signs (See Figure 3.1.22.i.vi. Wall Signs).
 - (1) Primary wall signs shall be located on the approved sign band and shall not exceed the width of the business frontage. If used, one secondary sign may be located on the approved sign band, provided it is smaller than the primary sign. Additional secondary signs shall be located below the approved sign band, within ten (10) feet of any building entrance.
 - (2) The maximum sign area for all wall signs shall be 1.5 square feet per each linear foot of business frontage. The maximum sign area permitted is one hundred (100) square feet. No business frontage shall contain more than four (4) total wall signs.
 - (3) For buildings with multiple business frontages, all primary wall signs shall be centered between the top and bottom of the approved sign band, unless otherwise approved by the Planning Commission.
 - (4) Corner lots with two street frontages. One wall sign shall be permitted on the secondary business frontage within an approved sign band using one (1) square foot for each linear foot of secondary business frontage, provided this sign area is no larger than the

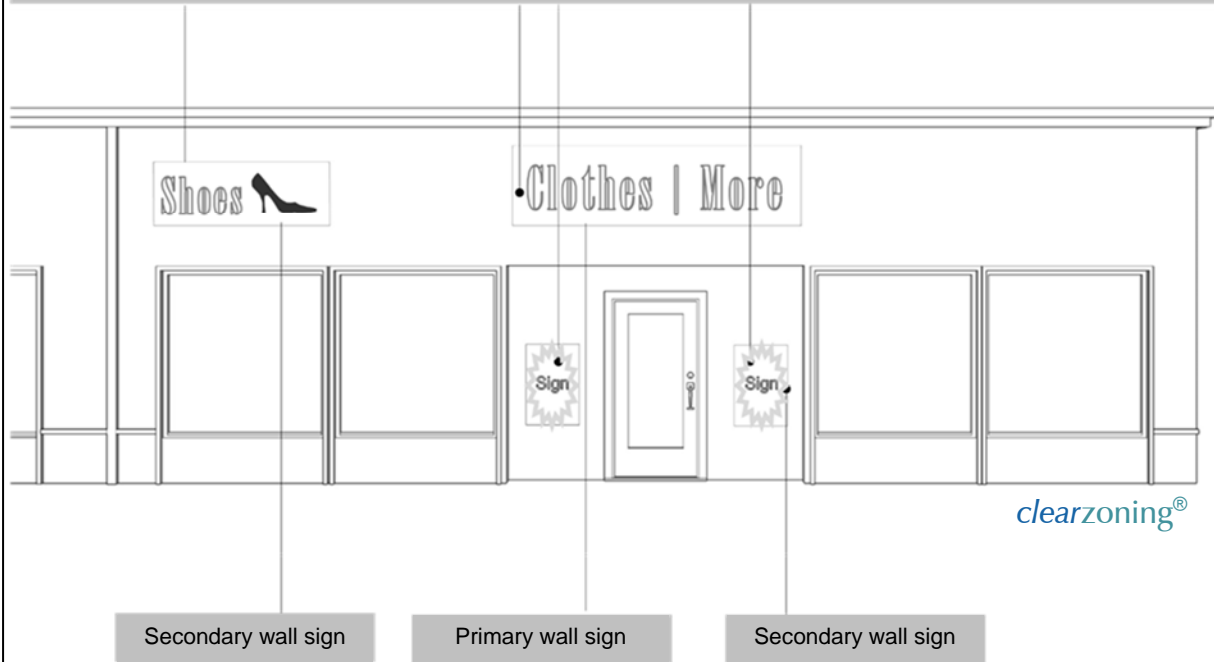
primary wall sign on the primary business frontage.

- (5) Rear entrances. For businesses with a customer entrance that is not visible from the front lot line, one sign, up to ten (10) square feet is permitted.



FIGURE 3.1.22.i.vi WALL SIGNS

Together, these signs equal the maximum sign area allowed for business frontage; 1.5 sq ft per each foot of linear frontage



This sign alone equals the maximum sign area allowed for business frontage; 1.5 sq ft per each foot of linear frontage



3.1.22 Township Center District (Continued)

- (6) Shed-type awning signs shall not exceed eight (8) inches in height and shall be located on the drip edge of a shed-type awning or canopy. Such signage shall not exceed eighty percent (80%) of the awning or canopy width. (See Figure 3.1.22.I.vi.a(6). Shed Awning)
- (7) Flat-type (horizontal) awning signs shall not exceed eight (8) inches in height and may extend or be placed above the awning or canopy provided that the letters are attached to the awning or canopy and shall not exceed eighty percent (80%) of the awning or canopy width. (See Figure 3.1.22.I.vi.a(7) Flat Awning)
- (8) Awning/canopy signs shall only be located on the primary business frontage and the sign area shall be counted toward the total wall sign allowance specified in subsection J.vi.a.(2).

FIGURE 3.1.22.I.vi.a(6) SHED AWNING

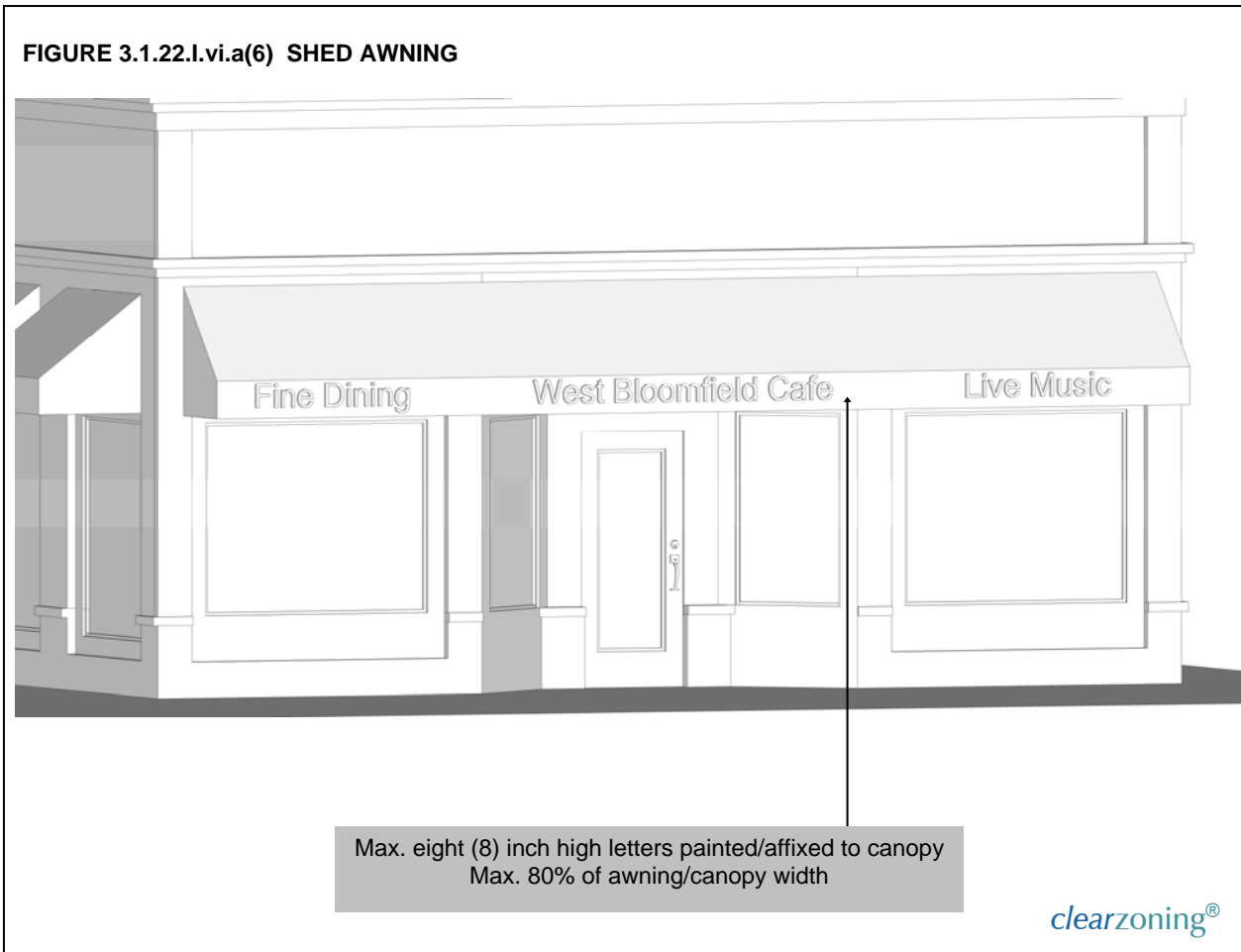
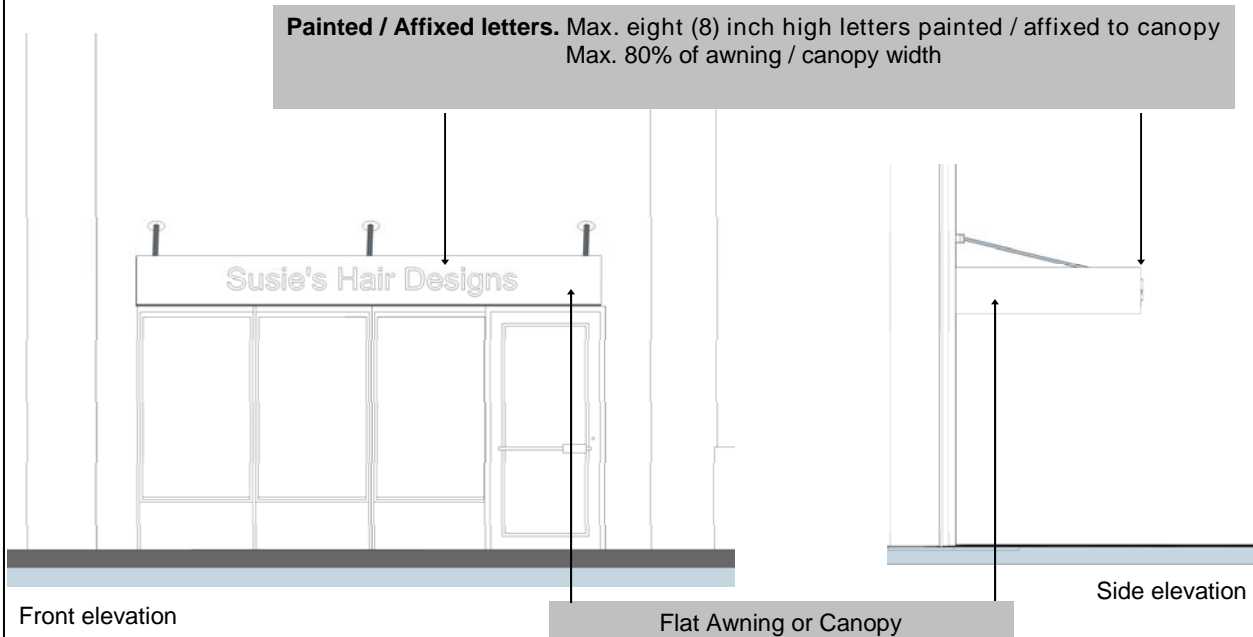
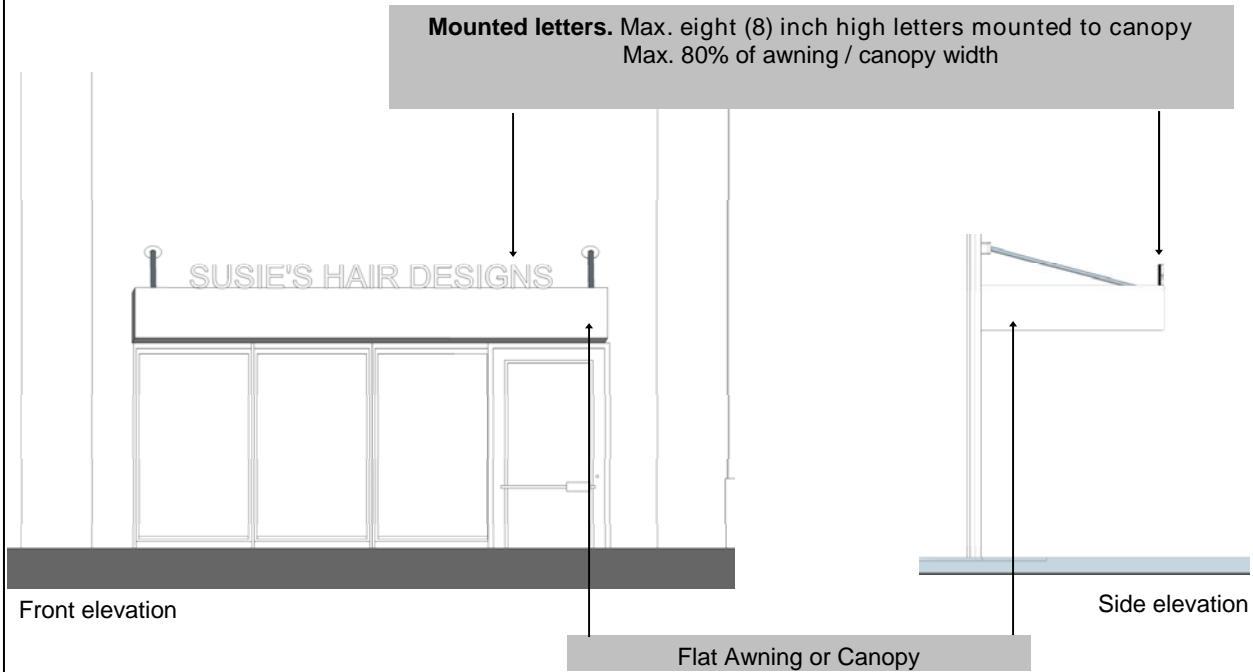


FIGURE 3.1.22.i.vi.a(7) FLAT AWNING / CANOPY



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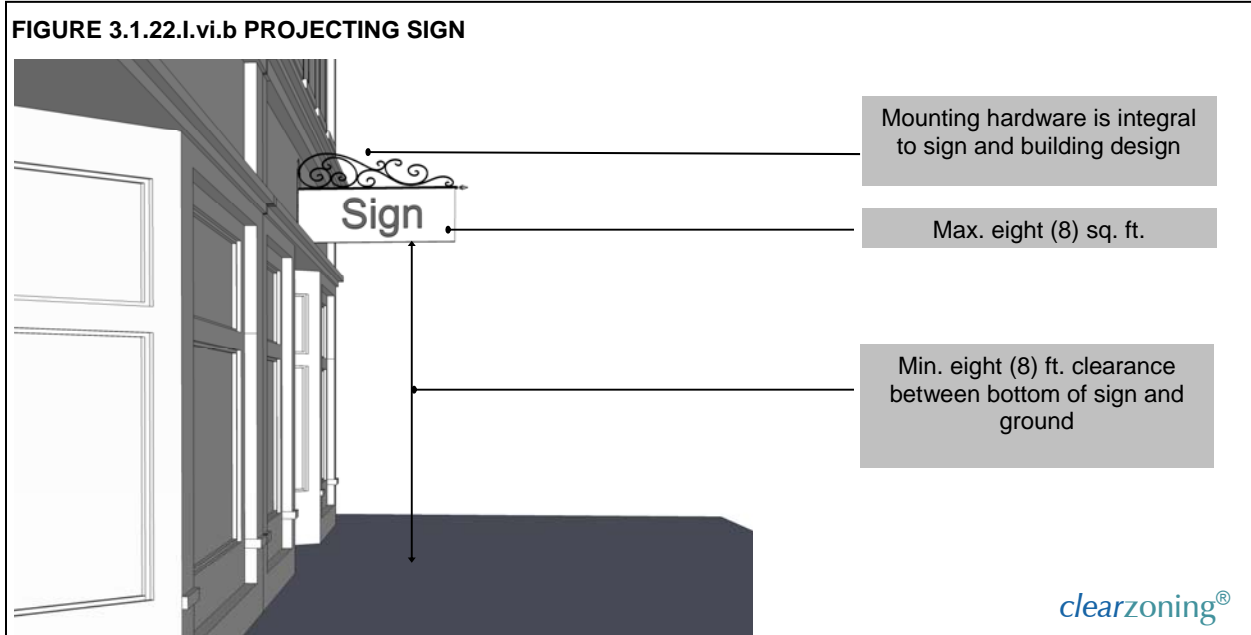
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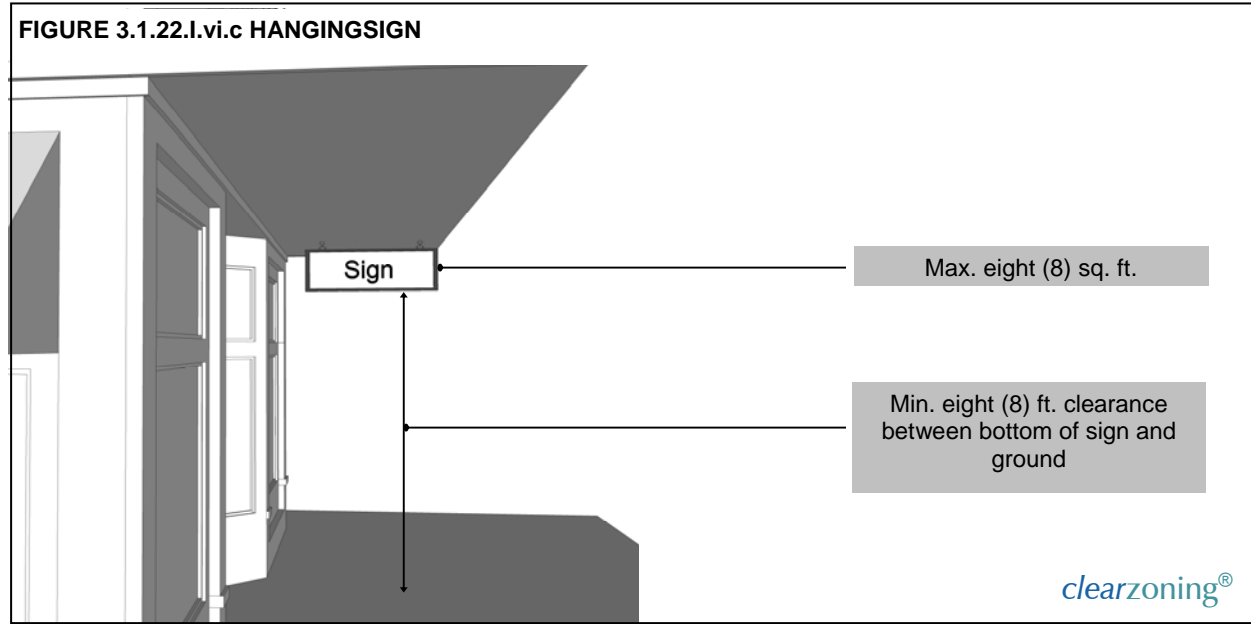


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- b. Projecting Signs. (See Figure 3.1.22.I.vi.b. Projecting Sign)
 - (1) Projecting signs shall not exceed a maximum sign area of eight (8) square feet.
 - (2) Projecting signs shall not be mounted above the second story window sill in multistory buildings.
 - (3) Projecting signs shall provide a minimum vertical clearance of eight (8) feet between the lowest point of the sign and the sidewalk.
 - (4) Mounting hardware shall be an integral part of the overall building and sign design.



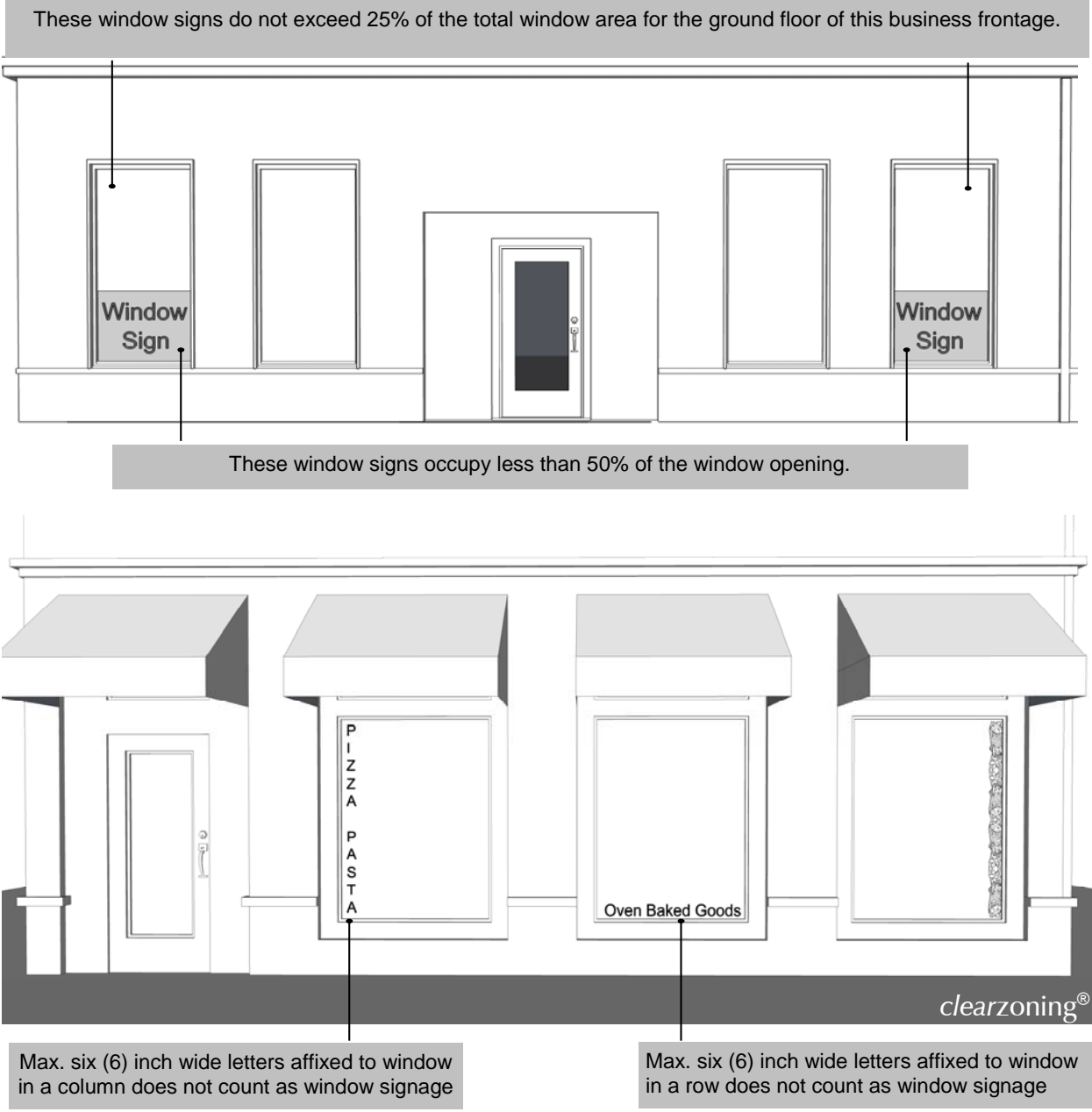
- c. Hanging Signs (See Figure 3.1.22.I.vi.c Hanging Sign)
 - (1) Hanging signs shall not exceed a maximum sign area of eight (8) square feet.
 - (2) Hanging signs shall maintain a minimum vertical clearance of eight (8) feet between the lowest point of the sign and the sidewalk.



d. Window Signs (See Figure 3.1.22.I.vi.d. Window Signs)

- (1) Window signs for ground floor businesses shall be limited to twenty percent (20%) of the total ground floor window area (visible glazed surface) of the business frontage. Window signs shall be limited to two (2) total window signs per business frontage and shall not cover more than fifty percent (50%) of the visible glazed surface of any one window. In no case shall a window sign exceed twenty five (25) square feet. For multistory buildings, see Section J.v.
- (2) Individual sign elements that do not exceed six (6) inches in height or width that are applied to or etched upon a window in one (1) row or one (1) column do not count toward maximum window or wall signage provided that the total area of these elements does not exceed twelve (12) square feet on any building frontage.

FIGURE 3.1.22.I.vi.d WINDOW SIGNS



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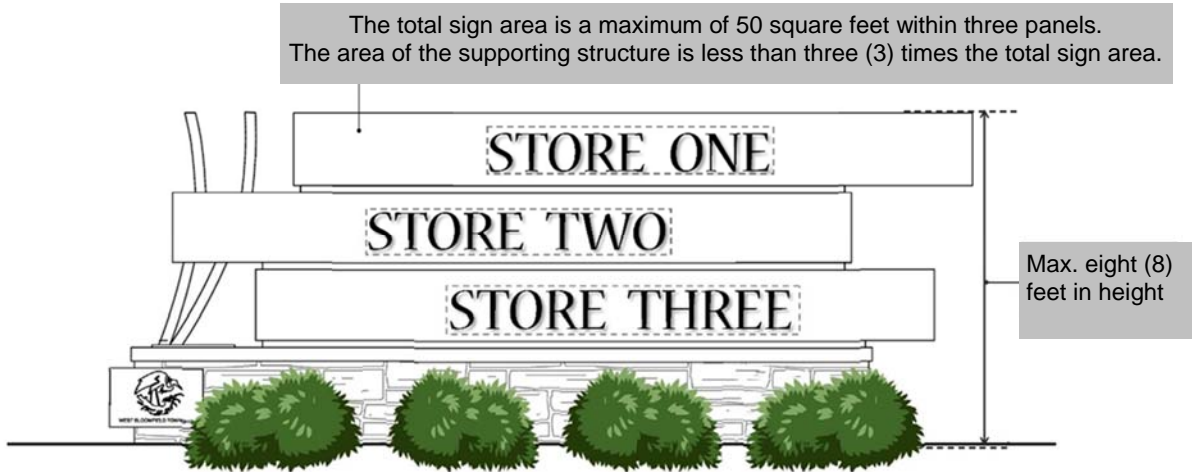
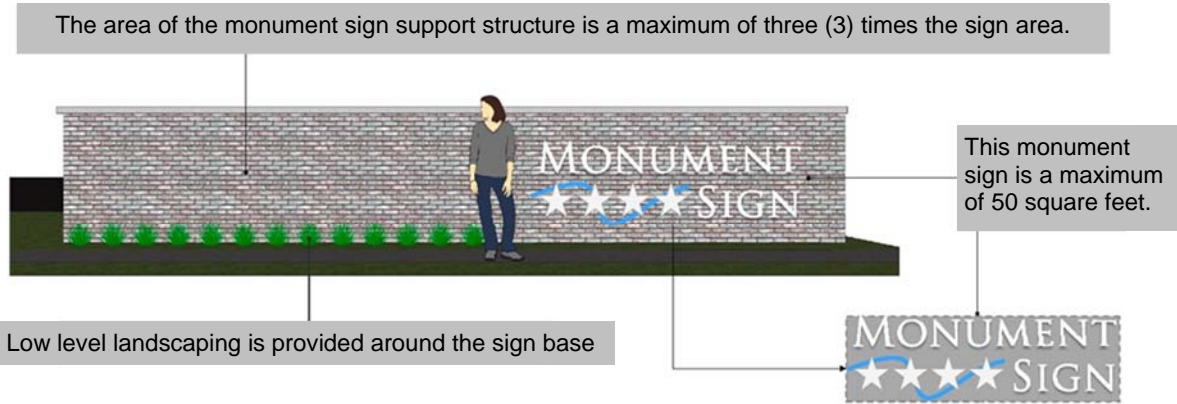
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- e. Monument Signs. (See Figure 3.1.22.I.vi.e. Monument Signs)
- (1) The maximum area for a monument sign shall be 0.5 square feet per linear foot of lot frontage, not to exceed fifty (50) square feet.
 - (2) The maximum height for a monument sign, including its support structure, is eight (8) feet.
 - (3) Monument signs shall be oriented towards a street, and shall be set back a minimum of five (5) feet from the right-of-way of any street.
 - (4) There shall be a minimum separation of fifty (50) feet between monument signs.
 - (5) Monument signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. All visible elements of the sign shall be comprised of natural materials such as stone, decorative masonry, wood, metal or similar materials as determined by the Planning Commission.
 - (6) Low level landscaping shall be provided around the base of the sign, but shall not obscure any part of the sign message.
 - (7) While internal illumination is prohibited for monument signs in the district, such signs may include a cabinet or similar structure which contains internal illumination so long as the sign face is designed to give the appearance of halo-lighting, through the use of opaque areas with light emanating only from behind the sign copy.
 - (8) The total area of a monument sign and supporting elements shall not be more than three (3) times the permitted sign area. When a monument sign is not placed perpendicular to the street, the length of the sign and supporting elements shall not exceed fifty (50) percent of the lot width along the lot line adjacent to the proposed sign.
 - (9) In order to foster a tangible identity for the district, all monument signs shall incorporate the West Bloomfield Township logo as a part of the sign or sign base. The specifications for the Township logo shall be provided by the West Bloomfield Township Planning Department. The area of the municipal logo shall not count toward the maximum monument sign area.



FIGURE 3.1.22.I.vi.e MONUMENT SIGNS



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- vii. Political Signs. Political signs shall be subject to the applicable requirements of Section 26-5.15.
- viii. Clear Vision Area. No sign with a height between two (2) and eight (8) feet may be located in the clear vision area, or shall be otherwise located so as to block or impede a motorist's vision of traffic or of traffic control signs. Refer to Section 5.3, Corner Clearance.
- ix. Substitution. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure.

J. OUTDOOR DINING

- i. The standards within this section supersede the standards of Section 4.29.
- ii. Outdoor dining areas are encouraged to be designed as an integral portion of the building wherever possible.
- iii. Outdoor dining areas shall be bordered on at least three (3) sides with decorative railings, decorative panels, or landscaping. The intent of this border treatment is to provide an attractive, enclosed, "outdoor room" that enhances the user experience and creates higher quality open spaces that enhance the corridor.
- iv. Outdoor dining areas shall be separated from parking areas by at least five (5) feet. Additionally, when adjacent to parking areas, vertical screening shall be installed to shield the outdoor dining space from vehicular traffic. Such screening may include decorative panels, landscaping, planters, and similar features, as permitted by the approving body. Varied screening height is acceptable to allow for views into and out of the seating area, and the minimum height of screening shall be thirty (30) inches.
- v. Access to and within the outdoor dining area shall maintain at least one (1) clear pedestrian path of at least four (4) feet in width.
- vi. Each outdoor dining area shall include a trash receptacle that is maintained on a regular basis. If table service is provided at the establishment, this requirement may be waived.

- vii. If the food service establishment associated with an outdoor dining area ceases to exist, the property owner is encouraged to repurpose the outdoor dining area into a functional outdoor space, such as a plaza or outdoor seating area. Or, if removed, another "place of interest" shall be established at the site (see K, below).

K. PLACES OF INTEREST

- i. In order to create a unique and identifiable commercial corridor, all developments in the Township Center District are required to provide outdoor places of interest, one of which shall serve the general public. A place of interest shall include at least two (2) of the following site elements or amenities listed in the table that follows, provided that such spaces are open, inviting, and accessible and total a minimum of five (5) percent of the gross floor area of the buildings. Two of the same types of elements may be selected, provided they are two distinct locations that meet the requirements of this section.
- ii. All places of interest shall be maintained in good condition on a year-round basis.
- iii. Alternatives. Alternatives to the places of interest requirements herein may be permitted if the applicant is able to demonstrate that there is insufficient space for any of the above options. Alternatives may be permitted if the Planning Commission finds the proposed alternative place (s) of interest is/are in keeping with the spirit of this section. Any alternatives shall result in engaging, interesting, attractive, safe, context-sensitive, and comfortable places.



Township Center District (Continued) 3.1.22

Table 3.1.22.K Places of Interest

Place of interest	Required elements	Proximity and Accessibility Requirement
Art installation	Any work of art created by visual artists or public context designer that is sited in a public place for people to experience. This can include murals, outdoor sculptures, or infrastructure such as public fixtures or furniture and other functional elements that are designed and/or built by visual	Publicly accessible locations for viewing art. The applicant shall demonstrate how the art component relates to the development as a whole and how it activates a space or serves a function (seating, wayfinding, lighting, etc.).
Garden	Land used for the cultivation of fruits, vegetables, plants, flowers, or herbs. The land shall be served by a water supply sufficient to support the cultivation practices used on the site. If vertical gardens or green walls are created, the area of continuous green wall shall count towards fifty (50) percent of the required place of interest area.	A garden shall be located in an area that is accessible and shall be placed so that it can be experienced by the users of the site. No retail sales are permitted for anything grown on site. A fruit and vegetable garden shall be located in the rear of a property and be separated from parking areas and other open space by a fence no higher than four (4)
Nature path	Nature paths shall allow users to observe the natural resources of a site or adjacent sites, which may include the promotion of the conservation of soils, wetlands and waterways, habitat, and special plants, animals, and plant communities. Nature paths shall be a minimum of eight (8) feet wide. Seating shall be provided every five hundred (500) feet. At least 50% of a nature path shall be accessible (which means ADA-compliant) by users of all ages and abilities; the remainder may be comprised of natural materials such as wood chips or gravel.	An ADA-compliant pathway shall connect a nature path to the building to which it relates.
Nature viewing area	Nature viewing areas may consist of preserved natural features on site or landscaping that creates a park-like setting. It shall include seating and be connected by a path to the building to which it serves. Bird houses, feeders, and the like are encouraged if properly maintained. Signage for vegetation and/or habitat being viewed shall be provided. The area encompassing improvements made by an applicant to enhance the viewing of nature shall be considered a place of interest.	A nature viewing area shall be accessible by users of all ages and abilities from the building to which it relates.
Outdoor dining areas	See Section J above.	Outdoor dining shall be provided in a location that is accessible to patrons or users as well as accessible for maintenance and upkeep.

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Table 3.1.22.K Places of Interest (continued)

Place of interest	Required elements	Proximity and Accessibility Requirement
Paseo/pedestrian pass-through	<p>All paseos/pedestrian pass-throughs shall be at least eighteen (18) feet wide. This requirement may be modified by the Planning Commission if it is demonstrated that the paseo is designed with architectural elements that reinforce an appropriate pedestrian scale.</p> <p>When uncovered, the paseo shall include enhanced pavement that distinguishes the paseo from adjacent sidewalks. Whether uncovered or enclosed, a paseo shall also include seating, trash receptacles, live plants, and pedestrian scaled lighting. A bike rack shall be within the paseo or located within thirty (30) feet of the paseo entrance.</p>	<p>A paseo shall be available to the general public and shall serve as a passageway through a building, connecting significant site elements . When uncovered, a paseo shall be located within twenty (20) feet of the building to which it relates, connecting either the front of the property with the rear. A paseo may also connect adjacent properties when located within twenty (20) feet of the buildings on each respective site.</p>
Plaza	<p>A plaza shall be designed to attract users of the building. It shall include moveable seating, at least one trash receptacle and one or more of the following additional items: a garden, landscape containers/ planters, and/or water feature (fountain, reflecting pool, pond, waterfall, and the</p>	<p>A plaza is separated from parking areas and other required open space by a buffer, such as a wall, decorative fence, or landscape plantings at least three feet in height.</p>
Fitness trail	<p>A minimum ¼ mile trail with fitness-related amenities, such as directional signage, fitness stations, and at least three pieces of fitness equipment, such as a sit-up bench, pull-up bar, or push-up bar. At least fifty percent (50%) of a fitness trail shall be accessible by users of all ages and abilities; the remainder may be comprised of natural materials such as wood chips or gravel. Signage shall be provided to define hours</p>	<p>Same as nature path, above.</p>
Children's playground	<p>A children's playground shall consist of a minimum six hundred (600) square foot area to provide short-term active and passive activities for supervised children aged five (5) years and under. It shall include seating designed for children and adults, age-appropriate equipment and signage to define safety and define hours of availability.</p>	<p>A children's playground shall serve the general public and be fully accessible from the building to which it serves.</p>



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PLACES OF INTEREST - EXAMPLES

Art installation



Nature path



Nature viewing area



Outdoor dining areas



Paseo (inside a building and adjacent to a building)



Plaza



Fitness trail



Garden



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L. LANDSCAPING AND BUFFERING

- i. Intent and applicability. The following landscape standards are intended to achieve creative and distinctive landscape and planting design that emphasizes urban form, incorporates a diversity of plant species, and preserves and enhances existing woodlands, wetlands, and natural open areas. Planting conditions, such as landscape islands, are enhanced in this section to maintain plant health. All development that occurs using the standards of the Township Center District must comply with the specific requirements of this Section, including approved plant materials as described below. The requirements of this Section supersede all of the landscaping requirements of Section 26-5.14. A landscape plan must be submitted meeting all of the requirements of this Section whenever an activity requiring site plan approval is proposed. Storm systems designed to manage some or all of the stormwater on a site may count towards meeting the requirements below, pursuant to review and approval by the approving body.
- ii. Interior parking lot landscaping - landscaping islands required.
 - a. Island required. Landscaping islands shall be required at the end of any row of parking. There shall be at least twenty (20) square feet of landscape island per parking space. For parking areas in excess of forty thousand (40,000) square feet, at least one (1) midpoint landscape island, a minimum of fifteen (15) feet deep, shall be placed in a parking row.
 - b. Landscaping island standards. Landscaping islands shall have a minimum width of ten feet and a minimum area of two hundred seventy five (275) square feet, and shall be two (2) feet shorter than any adjacent parking space. Landscaping islands shall be planted with lawn, perennials, ornamental grasses, or shrubs with a maximum height of thirty (30) inches. The groundcover may not be more than fifty (50) percent stone or mulch.
 - c. Minimum landscaping required. A minimum of one deciduous canopy tree shall be provided within the boundaries of the parking lot for every ten (10) parking spaces. The required trees shall be planted in landscaping islands within the parking lot. Up to thirty three (33) percent of parking lot trees may be planted within fifteen (15) feet of the back of curb or edge of a parking space and shall not be utilized to satisfy other requirements.



FIGURE 3.1.22.L.ii MINIMUM PARKING LOT LANDSCAPING REQUIRED



For lots over forty thousand (40,000) square feet, at least one (1) landscape island, a minimum of fifteen (15) feet deep, shall be placed in a parking row.



Up to 33% of parking lot trees may be planted within fifteen (15) feet of the back of curb or edge of a parking space and shall not be utilized to satisfy other requirements.

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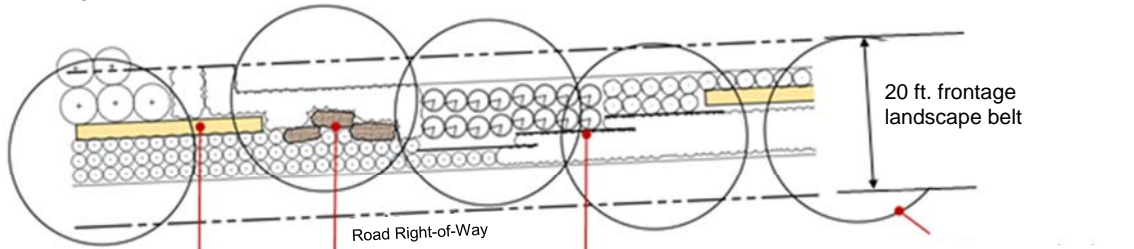
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- iii. Foundation planting. A minimum of twenty five (25) percent of the building frontage shall be landscaped within twelve (12) feet of the building frontage, provided that a four (4) ft pedestrian area is provided to maintain barrier free access between parking areas, sidewalks, and the building entrances, with required five (5) ft passing zone provided per ADA requirements. Plantings around the entire foundation of a building are encouraged. Plantings, including shrubs, perennials, native grasses and seasonal plantings of natural plant materials, are encouraged to emphasize softening of large expanses of building walls as well as accent building entrances and architectural features. The foundation planting area shall be at least three (3) feet deep and may include in-ground landscaping, raised landscape beds, decorative landscape containers, or a combination thereof. When a building frontage contains outdoor dining, the foundation planting area may extend up to twenty five (25) feet from the building or to the extent of the outdoor dining area, whichever is greater.
- iv. Frontage landscape belt. The frontage landscape belt is the undeveloped area between the road right-of-way and the developed portion of the site. This area shall be a minimum of twenty (20) feet wide and cover the full width of the property at the front lot line. The vision for the frontage landscape belt is to provide a visual impact compatible within the context of a heavily traveled vehicular corridor. The frontage landscape belt shall consist of:
- One (1) deciduous canopy tree per thirty-five (35) feet of linear frontage; and
 - Ten (10) square feet of planting bed for each linear foot of frontage, provided that at least sixty (60) percent of the frontage landscape belt is comprised of planting beds. The remaining forty (40) percent may be lawn area. Plants within the planting bed shall include a mix of shrubs, perennials, or groundcover per the prescribed plant list. Each bed shall be comprised of at least seventy (70) percent living materials from the approved Frontage Landscape Belt Plant List; and
- c. Planting beds shall also include the following additional elements, as specifically identified by West Bloomfield Township: outcroppings, masonry walls, or COR-TEN® steel as described below. For lots less than one hundred (100) feet in width, the corresponding percentage shall apply. All elements shall complement each other and complement elements on adjacent lots. All such elements shall not exceed thirty (30) inches in height.
- Decorative masonry walls: A minimum of twenty five (25) linear feet of thirty (30) inch high masonry wall for every one hundred (100) feet of road frontage.
 - COR-TEN® steel, or demonstrably equivalent weathering steel panels: A minimum of thirty five (35) linear ft of one-quarter (¼)-inch thick weathering steel panels, installed in an ordered stepped pattern, starting with eighteen (18) inches and a maximum height of thirty (30) inches for every one hundred (100) feet of road frontage. Each stepped panel shall be placed a minimum of eighteen (18) inches from the next stepped panel, with a three (3) foot overlap.
 - Decorative outcropping stone: two outcroppings, together comprising a minimum of fifteen (15) linear feet with a depth of between twenty four (24) and thirty six (36) inches for every one hundred (100) feet of road frontage. A majority of the outcropping shall be between eighteen (18) and twenty four (24) inches high. Outcroppings shall meet the general design intent reflected in graphics that follow.
- d. For developed sites that have less than twenty (20) feet between a structure and the road right-of-way, the Planning Commission may modify the above standards, provided that all the required hardscape materials are incorporated in a way that results in a frontage landscape belt that meets the intent of the district. Live plants shall be provided on a proportional basis based on the approved width of the frontage belt in comparison with the twenty-foot (20') standard.



FRONTAGE LANDSCAPE BELT - PLAN VIEWS

Hardscape



Decorative masonry walls 25 linear feet per 100 ft. of road frontage

Decorative outcropping stone: two outcroppings per 100 ft. of road frontage

COR-TEN steel panels or similar material: 35 ft. per 100 ft. of road

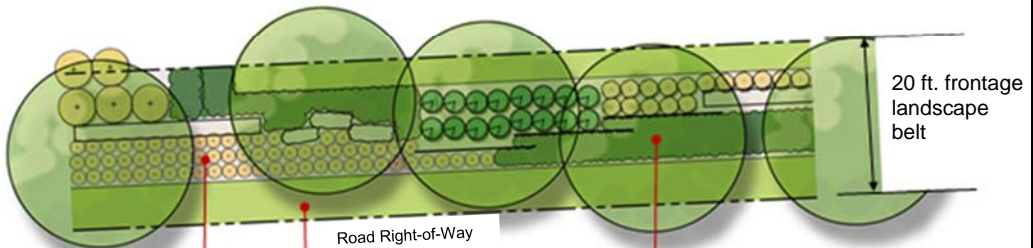
Deciduous tree (typ.)

Landscape

Example - 100 ft. of linear frontage:

1,000 sq. ft. of planting beds required.

The total area of the frontage belt is 20,000 sq. ft. Up to 8,000 sq. ft. may be lawn.

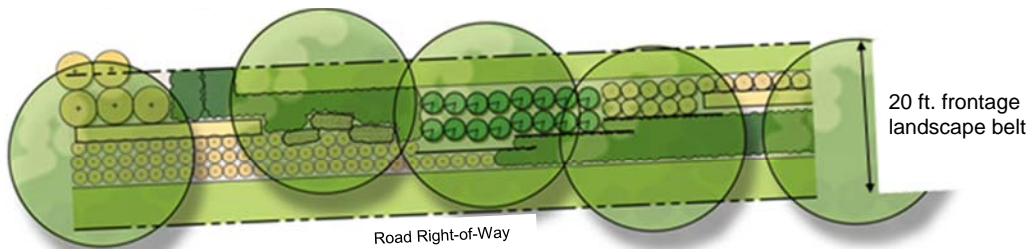


Planting Beds: 10 sq. ft. per each foot of road frontage

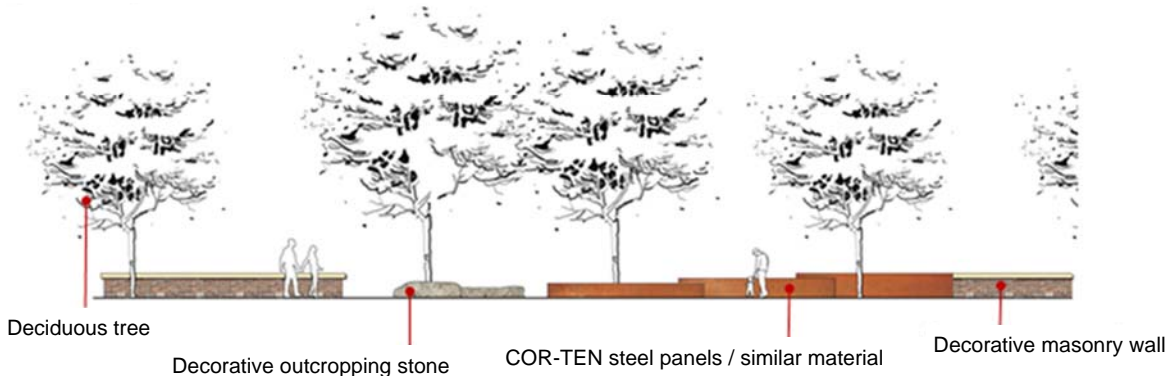
Lawns: Maximum of 40% of required frontage landscape belt.

Deciduous tree: 1 tree per 35 ft. of linear road frontage

Combined hardscape / landscape hardscape



FRONTAGE LANDSCAPE BELT - ELEVATION VIEW



Deciduous tree

Decorative outcropping stone

COR-TEN steel panels / similar material

Decorative masonry wall

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CONCEPTUAL ILLUSTRATION OF FRONTAGE LANDSCAPE BELT

- v. Screening adjacent to residential districts. Screening adjacent to residentially-zoned districts shall comply with Section 5.12.
- vi. Detention pond landscaping. Such landscaping shall comply with Chapter 24 of the West Bloomfield Township Code, except that no detention pond in the Township Center District shall have a slope greater than one (1) to four (4).
- vii. Plant material standards. All plant material used to meet the landscaping requirements of the Township Center District shall meet the following minimum standards:
 - a. Deciduous Canopy Trees shall have a minimum size of three (3) inches caliper measured six inches above grade.
 - b. Evergreen Trees shall have a minimum height of eight (8) feet at planting.
 - c. Ornamental Trees shall have a minimum caliper of two (2) inches measured six inches above grade.
 - d. Broadleaf and evergreens shrubs shall be a minimum of thirty (30) inches in height or spread, depending on the species.
 - e. Perennials and ornamental grasses must have a minimum container size of one (1) gallon.
- viii. Plant Species. All plant materials shall be on the approved Township landscape list for landscape materials in this district as identified on the approved Frontage Landscape Belt Plant List be selected with water conservation and sustainability in mind.
- ix. Diversity. No one species may constitute more than twenty five (25) percent of the total number of plants of that type proposed on a site. (e.g. maple trees may not constitute more than twenty five (25) percent of all deciduous canopy trees planted on a site).
- x. Maintenance and irrigation. All plants shall be maintained in good condition and irrigated as necessary for optimum health by automatic systems. Refer to sample maintenance agreement on file in the Planning Department.
- xi. Modifications. Modifications to the landscape requirements herein may be permitted if the Planning Commission finds the proposed landscape plan is in keeping with the spirit of this section. Any modifications shall result in impactful, aesthetically pleasing and sustainable landscape.



Township Center District (Continued) 3.1.22

M. DRIVE-THROUGH STANDARDS

Drive-through facilities shall comply with the use standards set forth in Section 4.14

N. SITE PLAN REVIEW

Refer to Section 6.1 for site plan requirements.

NONCONFORMING STRUCTURES

- i. Structures approved under the Township Center District Ordinance No. C-708 adopted June, 04, 2007. Structures approved under the zoning standards in effect pursuant to Zoning Ordinance No. C-708 that subsequently become nonconforming with the standards of this Section, shall be permitted to expand and improve, provided that any expansion and/or improvements comply with the standards of this Section and the requirements for the frontage landscape belt and the places of interest.
- ii. Nonconforming structures, uses, and premises approved prior to June 04, 2007. Section 7.1 of this Chapter shall apply to nonconforming structures, uses, and premises approved pursuant to the underlying zoning district regulations in effect prior to June 04, 2007.

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3.2 ZONING MAP; DISTRICT BOUNDARIES

1. The boundaries of the zoning districts are hereby established as shown on the township zoning map, which is on file in the township clerk's office. The zoning map, with all notations, references and other information shown thereon, shall be as much a part of this chapter as if fully described in this chapter; provided, however, that such zones, with exact dimensions where necessary, are shown on section maps maintained by the township clerk, or by a department or departments designated by the clerk, and which shall be open to examination at any time during regular office hours.
2. Unless shown otherwise, the boundaries of the districts are lot lines, the center lines of streets, alleys, roads or such lines extended and the corporate limits of the township.
3. Where, due to the scale, lack of detail or illegibility of the zoning map on file in the clerk's office, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning this exact location of district boundary lines shall be determined, upon written application or upon its own motion, by the board of appeals.

3.3 ZONING OF VACATED AREAS

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

3.4 DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the provisions of all articles of this chapter.

3.5 NOTES TO DISTRICT STANDARDS

1. **Applicability.** The notes contained in Section 26-3.5.2 are additions, exceptions, and clarifications to the district standards contained in Section 26-3.1. The applicability of individual notes to each district is provided in the table on the following page.
2. **Notes to District Standards.**
 - A. The side yard abutting upon a street shall not be less than the required front yard in depth less ten (10) feet in R-15 zones,

- seven (7) feet in R-12.5 zones and five (5) feet in the R-10 zones.
- B. Ground floor area of one (1) story in height excluding garages, open or semi enclosed porches or breezeways. In trilevel structures, the ground floor area shall be computed using the total square footage of the two (2) uppermost levels, excluding garages, open or semi enclosed porches or breezeways.
- C. Ground floor area of one and one-half (1 1/2) stories in height excluding garages, open or semi enclosed porches or breezeways.
- D. Ground floor area of two (2) stories in height and excluding garages, open or semi enclosed porches or breezeways.
- E. Where an interior side or rear yard borders a residential district, there shall be provided a setback of not less than seventy-five (75) feet. A minimum landscaped yard of twenty (20) feet in width shall be provided on the lot or parcel adjacent to the residential district. Off-street parking shall be permitted in the remainder of the required yard setback.

In the B-1 and O-1 districts, the required setback from a private or public single-family residential street shall not be less than the required front yard setback for the abutting residential district. A minimum landscape yard ten (10) feet in width shall be provided on the lot or parcel adjacent to the residential street. In all other nonresidential districts, the required setback from a private or public single-family residential street shall not be less than seventy-five (75) feet, with a minimum landscape yard twenty (20) feet in width provided on the lot or parcel adjacent to the residential street. Off-street parking shall be permitted in the remainder of the required side-street yard setback. Points of ingress and egress onto the residential street shall be prohibited, unless approved by the planning commission pursuant to Section 26-5.2.

Where the side or rear yard abuts a recreation or multiple-family district, the required setback shall not be less than thirty (30) feet. A minimum landscape yard ten (10) feet in width shall be provided on the lot or parcel adjacent to the recreational or multiple-family district. Off-street parking shall be permitted in the remainder of the required yard setback.



Applicability of Notes to District Standards*																	
Notes to District Standards	Districts																
	R-10	R-12.5	R-15	RM	B-1	B-2	B-3	B-4	O-1	O-2	OR-1	OR-2	R-O	I-L	I-OP	M-C	REC
A	✓	✓	✓														
B	✓	✓	✓														
C	✓	✓	✓														
D	✓	✓	✓														
E					✓	✓	✓		✓	✓	✓	✓	✓				
F					✓	✓	✓		✓	✓	✓	✓	✓				
G					✓	✓	✓	✓	✓	✓	✓	✓	✓				
H	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓
I	✓	✓	✓	✓													✓
J								✓									
K																	✓
L									✓								
M	✓	✓	✓														
N	✓	✓	✓														
O				✓													
P	✓	✓	✓														✓
Q	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
R																✓	
S																✓	
T																✓	
U														✓	✓		
V	✓	✓	✓														
W																	✓

* The following districts do not have any notes pertaining to their district standards: Vehicular Parking District (P-1), Planned Recreation Development District, Township Center District.

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On a side yard which borders a major, secondary or collector thoroughfare as shown on the master plan, the setback shall be not less than the required front yard setback for the zoning district in which the lot is located. A minimum landscape yard ten (10) feet in width shall be provided on the lot or parcel adjacent to the thoroughfare(s). Points of ingress and egress and the landscaping plan shall be approved by the planning commission. Off-street parking shall be permitted in the remainder of the required setback.

- F. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of the building and shall be computed separately from the off-street parking requirements. Except in the instance of O-1 and O-2 districts, loading space shall be provided in the ratio of five (5) square feet per front foot of building. Where any alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley.
- G. The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking loading and unloading, and required yards and landscaping plants.
- H. The setback shall be measured from the abutting existing or proposed right-of-way line, whichever is greater. For all nonresidential districts, a minimum landscape yard ten (10) feet in width shall be provided on the lot or parcel adjacent of the thoroughfare. Points of ingress and egress and the landscaping plan shall be approved by the planning commission. Off-street parking shall be permitted in the remainder of the setback.
- I. The number of stories shall be limited by the maximum building height in feet and all other applicable codes and ordinances.
- J. The required setback from a private or public single-family residential street shall not be less than the required front yard setback for the abutting residential district. A minimum landscape yard ten (10) feet in width shall be provided on the lot or parcel adjacent to the residential street.
- K. Unless otherwise specified as a special condition required for the approval of a planned recreation district, the following

standards shall govern the development of one-family detached dwellings within a recreational district:

- i. Minimum lot or parcel size--Three (3) acres.
- ii. Minimum lot or parcel width--Two hundred (200) feet.
- iii. Minimum front yard setback--Fifty (50) feet.
- iv. Minimum rear yard setback--Fifty (50) feet.
- v. Minimum side yard setback least one (1)--Fifty (50) feet.
- vi. Minimum side yard setback total of two (2)--One hundred (100) feet.
- vii. Maximum percent of lot or parcel area covered by all buildings or structures--Five (5) percent.
- viii. Minimum floor area per dwelling unit:
 - a. One (1) story or trilevel--1,300 square feet.
 - b. One and one-half (1 1/2) story--1,200 square feet.
 - c. Two (2) story--900 square feet.
- L. If a service drive is required, the front setback shall consist of the following: a thirty-foot landscaped area, which shall include an eight-foot wide pedestrian bicycle path; a twenty-four-foot-wide service road; a landscaped area between the service road and front building line. Off-street parking shall not be permitted within the minimum front yard setback.
- M. Regardless of all other regulations, the width of any lot, outlot or parcel of land which is in a recorded plat or which is unplatted land less than ten (10) acres in area shall not be less than the average lot width of the lots, outlots or parcels of land within the surrounding area. For the purpose of determining average lot width under this provision, "surrounding area" shall mean the four (4) closest lots, outlots or parcels of land on each side of the subject property having frontage on the same side of the street, as of the effective date of this ordinance if four (4) lots exist, with the following exclusions:
 - i. The widest lot and narrowest lot within the surrounding area shall not be included in the measurement of average lot width.



- ii. Lots developed under the single-family cluster option or as special uses under Section 26-3.1.1.C, 26-3.1.2.C, and 26-3.1.3.C.
- iii. Lots which extend beyond the single-family zoning district in which the subject property is located or across major or secondary thoroughfares.
- iv. Lots which are more distant than one thousand five hundred (1,500) feet from the subject property.
- v. Land proposed for platting in accordance with the subdivision regulations of chapter 21 and the Subdivision Control Act of 1967, as amended.
- vi. Where the width of the proposed lot, outlot or parcel of land is at least one hundred forty (140) feet in the R-10 district, one hundred sixty (160) feet in the R-12.5 district, two hundred (200) feet in the R-15 district.

Minimum lot width shall be met based upon a measurement taken in the location on the lot which has the shortest straight line between side lot lines and is at, but not encroaching into, the front yard setback. For lakefront and lakeview lots, the minimum lot width shall be met based upon the measurement taken in accordance with the provisions of this footnote above and shall also be met based upon a required measurement taken in the location of the front yard setback established under Footnote (n)(1) below.

N. Lakefront and lakeview lots:

- i. In general:
 - a. Main buildings. For lakefront and lakeview lots, the minimum front yard setback on the lakeside for main buildings shall be determined based upon sight lines from the main buildings on each side of the proposed building site, calculated as follows. First, the closest improved lakefront or lakeview lots on each side of the proposed building site within seven hundred fifty (750) feet, or within five (5) lots, from the proposed building site (whichever is closest) shall be determined. Then, a straight line shall be

drawn between the points nearest the lake on the existing main buildings of the two (2) closest improved lakefront or lakeview lots on each side of the proposed building site, as determined in accordance with the above. Such straight line shall establish the minimum front yard setback for the main buildings for the proposed building site. In the absence of an improved lakefront or lakeview lot within seven hundred fifty (750) feet or five (5) lots on either or both sides of the proposed building site, this provision shall not apply and the generally applicable front yard setback line shall be applicable.

- b. Decks. For lakefront and lakeview lots, the minimum front yard setback on the lakeside for decks, where such decks have a height of more than three (3) feet as calculated in accordance with Section 26-5.17.1, shall be determined based upon sight lines from the existing decks on each side of the proposed building site, calculated as follows: First, the closest improved lakefront or lakeview lots on each side of the proposed building site within seven hundred fifty (750) feet, or five (5) lots, from the proposed building site (whichever is closest) shall be determined. Then, a straight line shall be drawn between the points nearest the lake on the existing decks of the two (2) closest improved lakefront or lakeview lots on each side of the proposed building site, as determined in accordance with the above. Such straight line shall establish the minimum front yard setback for the deck for the proposed building site. In the absence of an improved lakefront or lakeview lot with an existing deck within seven hundred fifty (750) feet or five (5) lots on either or both sides of the proposed building site, this provision shall not apply and the generally applicable front yard setback line shall be applicable in accordance with Section 26-5.17.1.



- ii. Interior lots between corner lots. Where an interior lot is bordered on two (2) sides by corner lots, the front yard setback of the interior lot may be reduced to equal the side yard of the corner lot, providing there is a side yard/rear yard relationship between the interior and corner lot. However, the required front yard shall not be reduced by more than ten (10) feet in the R-15 zone, seven (7) feet in the R-12.5 zone, and five (5) feet in the R-10 zone.
- O. Minimum floor area/unit:
 - i. One (1) bedroom unit--800 square foot minimum.
 - ii. Two (2) bedroom unit--950 square foot minimum.
 - iii. Three (3) or more bedroom unit--1,100 square feet plus 150 additional square feet for each additional room over four (4).
- P. Notwithstanding the foregoing, the floor area of the proposed detached single-family dwelling shall not be less than seventy-five (75) percent of the average floor area of the detached single-family dwellings constructed within the surrounding area. "Surrounding area" shall mean the ten (10) closest detached single-family dwellings within seven hundred fifty (750) feet in all directions of the lot on which the proposed detached single-family dwelling is to be located; provided, however, measurements under this provision shall not extend beyond the single-family zoning district classification nor shall it extend across major thoroughfares. The proposed dwelling site shall include a garage similar in size and location to the majority of garages in the surrounding area. Those developments that require site plan approval shall be exempt from the provisions of this footnote.
- Q. For purposes of determining building height, when a finished grade is proposed to be two (2) or more feet higher than the existing natural ground grade, the measurement shall be taken from the existing natural ground grade. When a finished grade is proposed to be lower than the existing natural ground grade, the measurement shall be taken from the finished grade. Exceptions from this

limitation may be permitted by the zoning board of appeals in unusual circumstances; provided, that the following findings are made:

- i. The exception would not interfere with an adequate supply of light and air to adjacent surrounding properties.
- ii. The exception would not permit a building which is out of character with the property on which it is located as well as to the surrounding properties.
- iii. The exception would not result in a building which is elevated significantly higher than those permitted on surrounding properties.

For purposes of this footnote (Q), the existing natural ground grade shall include the finished grade approved by the township on the final development plan for development of a subdivision, condominium project or nonresidential project.

- R. The M-C district shall encompass not less than fifty (50) acres of contiguous land and shall have a minimum frontage of eight hundred (800) feet along an existing major thoroughfare and shall provide for ingress and egress from this thoroughfare. The setback required from the abutting existing or proposed right-of-way, whichever is greater, shall be a minimum of two hundred fifty (250) feet.
- S. There shall be provided a minimum building setback of one hundred fifty (150) feet from abutting residential or recreational districts for single-story buildings and a minimum setback of two hundred fifty (250) feet for buildings having more than one (1) floor. The minimum setback from other districts shall be one hundred fifty (150) feet for either single- or multiple-story buildings. The planning commission may permit parking within the required yard between the building and the property line, but in no instance shall parking be permitted closer than seventy-five (75) feet to any residential or recreational district or the proposed right-of-way of the abutting major thoroughfare. The planning commission shall review the site plan for such proposed parking and shall require screening from any abutting residential district through the use of landscaping, berms or natural features.



- T. In the M-C district the amount of building area permitted shall be determined through the use of a floor area ratio (FAR) formula of 1:7, where not more than one (1) square foot of building shall be permitted for every seven (7) square feet of M-C-zoned land. The amount of impervious surface created on the M-C district site shall not exceed twenty-three (23) percent of the gross land area. The calculation of impervious surface shall include all drives, parking areas, building coverage, patios and any other surface which will not absorb water, with the exception of bike paths, tennis courts, outdoor pools and other unenclosed recreation facilities when such facilities are available for limited public use and do not exceed five (5) percent of the gross site area. Existing or created wetlands, ponds or lakes shall not be considered as impervious surface but as open space areas for the purpose of site development.
- U. The setback shall be measured from the abutting existing or proposed right-of-way line, whichever is greater. On a side or rear yard which borders on a major, secondary or collector thoroughfare as shown on the master plan, the required setback shall be no less than the required front yard setback for the zoning district in which the lot is located. The required building setback from a private general circulation drive shall be no less than sixty (60) feet. No parking or driveways, except for access to a general circulation drive, shall be permitted within the required front, street-side or rear yards. For interior side yards, there shall be a minimum landscaped yard fifteen (15) feet in width along the entire property line. Where the district abuts a residential or recreational district, the minimum building setback shall be one hundred fifty (150) feet. There shall be a minimum landscaped yard seventy-five (75) feet in width along the property line and no parking, drives or outdoor storage shall be permitted within this yard. Where the district abuts a private or public residential or recreational street or designated natural beauty road, the minimum building setback shall be one hundred (100) feet and there shall be a minimum landscaped greenbelt seventy-five (75) feet in width, as measured from the existing or proposed right-of-way line, whichever is greater, along the property

line and no parking, drives or outdoor storage shall be permitted within this greenbelt; however, the greenbelt may be crossed with utilities and a driveway only if no other practical alternatives exist for the development of the site.

- V. Intent: The purposes of these lot coverage standards are to achieve adequate open space around and between dwelling units, achieve building development that is proportional to the size of the lot or parcel, preserve the character of the neighborhood, promote water quality and maintain privacy on each building site.

Standards: In the one-family residential districts, buildings shall not occupy more than thirty (30) percent of a lot and the total of all impervious surfaces shall not occupy more than sixty (60) percent of a lot and forty (40) percent of the lot shall remain open space. Impervious surface means any hard surfaced, man made area that does not readily absorb water including, but not limited to, paved driveways and parking areas, graveled areas, sidewalks, decks, pools, pool decks, hard surfaced patios, tennis, basketball or other sports courts, and includes principal and accessory buildings and other structures that do not readily absorb water. For lakefront and other lots bordering on a river, canal or other body of water, there shall be no more than thirty (30) percent impervious surface coverage in the front yard.

- W. Building height of 40 feet is allowable for hospitals (see Section 26-4.17.2.A).

3.6 SPECIAL DISTRICT PROVISIONS

- 1. RM Multiple Family.
 - A. Site coverage. There shall be no greater than thirty (30) percent of the multiple-family site covered by principal and accessory buildings. Decks and balconies that project beyond the footprint of the building shall be calculated in the site coverage.
 - B. Notes limiting height, bulk and area for the RM district.
 - i. In the RM district, the total number of units in a multiple-family district shall not be more than six (6) units per acre exclusive of the following areas: subaqueous or submerged bottom land of lakes or streams, wetlands and

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- floodplains as stipulated in Subsection (ii) below.
- ii. On parcels containing wetlands or floodplains or both, only twenty-five (25) percent of the wetlands or floodplain may be included within the total site area for the computation of density; however, in no instance shall that portion of the wetlands or floodplain which exceeds the size of the upland area of the multiple-family parcel be eligible for computation of density. If a density adjustment is allowed for a wetland or floodplain, then no wetlands permits shall be approved for dwelling units and appurtenant structures; however, the construction of sewer and water systems and roads may be permitted subject to the provisions of Chapter 12.
 - iii. In order to preserve the general open character of the district, structures shall be limited in length to one hundred sixty (160) feet and the maximum number of dwellings in any one (1) building shall be six (6), and the concentration of units shall not exceed eight (8) within any square acre, unless an exception is approved by the planning commission. In approving such an exception, the planning commission shall consider adequate circulation and access to all units for fire protection, the preservation of terrain and natural features which may exist on the site and convenience of the residents and adequate light and air for both the units proposed and any adjacent use.
 - iv. In the multiple-family residential districts, the minimum distance between any two (2) buildings shall be regulated. The following minimum standards for distance between buildings shall be the basis for site plan approval by the planning commission:
 - a. Yard standards between buildings:
 - (1) Side yard between single detached dwelling units--ten (10) feet.
 - (2) Side yard between two-unit buildings or two-unit and a single detached unit--fifteen (15) feet.
 - (3) Side yard between three-unit buildings or three-unit and one- or two- or three-unit building--thirty (30) feet.
 - (4) Minimum side yard width may be reduced by the commission on an individual building-by-building basis up to twenty (20) percent; provided, that the average side yard width between buildings shall meet the minimum standard.
 - (5) Rear yard to rear yard--sixty-five (65) feet.
 - (6) Rear yard to side yard--forty (40) feet.
 - (7) Front yard to front yard--sixty (60) feet.
 - (8) Front yard to side yard--fifty (50) feet.
 - b. Yard standards from property lines:
 - (1) Minimum building setback--fifty (50) feet.
 - (2) Minimum building setback from public road right-of-way--fifty (50) feet.
 - (3) Average minimum building setback from public road right-of-way--sixty (60) feet.
 - c. Yard standards from private roads:
 - (1) Minimum building setback--twenty (20) feet.
 - v. For terraces, decks and balconies in the Multiple Family Residential District: An open, unenclosed paved terrace, patio or attached deck or balcony shall not project more than ten (10) feet into a minimum yard; however, in no instance shall a building or deck be closer than five (5) feet from another building or deck.
 - vi. The petitioner shall clearly designate the front, side and rear of each building within the multiple-family site plan. The yard area shall be determined by the prolongation of the exterior walls. The intersection of any part of the yard created by the prolonged walls with an adjacent building shall be the basis of applying the minimum spacing between



buildings as provided in this section. In no instance shall the distance between two (2) buildings be less than thirty (30) feet.

C. Special Provisions

- i. In the RM district, the planning commission may allow modification with respect to height regulations on developments which have topography characterized by severe changes of grade. The planning commission shall find that such modification would result in the preservation of natural terrain features such as steep topography and stands of large trees and that such modifications would not have detrimental effect on adjoining property with the building height as viewed from said property or adjoining public road generally being in conformance with the normal height restrictions of the RM districts. An individual building within a development so considered shall be located on land having an average natural grade change of at least fifteen (15) percent from one (1) side of the building to the opposite side and the number of habitable stories shall not exceed one (1) additional story with a maximum height of twelve (12) feet, or shall be located on land having an average natural grade change of at least twenty-five (25) percent from one (1) side of the building to the opposite side and the number of habitable stories shall not exceed two (2) additional stories each with a maximum height of twelve (12) feet.
- ii. The density, setback and size requirements of this section shall not preclude the replacement of a multiple-family building, constructed in conformance with a final site plan approval granted prior to October 28, 1988, in the event of destruction by fire or act of God.

2. B-1 Local Business District

All principal uses permitted and special land uses shall be subject to the following restrictions:

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced;

- B. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building;

3. B-2 Community Business District

All principal uses permitted shall be subject to the following restrictions:

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- B. All business, servicing or processing except for off-street parking, loading, unloading and those open-air uses indicated as being permissible on special approval in Section 26-3.1.6.C shall be conducted within completely enclosed buildings.

4. O-1 and O-2 Office Building Districts

In O-1 and O-2 office building districts, the following are required conditions:

- A. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25) percent of the usable floor area of either the first or second story or the basement.
- B. The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.
- C. Warehousing or indoor storage of goods or material beyond that normally incident to the above-permitted uses shall be prohibited.

5. OR-1 Office Retail District

Required Conditions

- A. Building permits shall not be issued separately for any of the uses permitted under Section 26-3.1.11.C. It is the intent of this district that these special condition uses be included in the office use structure and not be permitted as freestanding structures.
- B. All uses permitted in this district shall be fully enclosed. Outdoor storage or display shall be prohibited.
- C. Existing residential structures shall not qualify for use as personal service or retail business, these being permitted only in new structures so designed as to service these uses.



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- D. All regulations of this chapter applicable to O-1 districts shall also be applicable to OR-1 districts, unless otherwise provided for.
- 6. OR-2 Office Retail District
 - A. All establishments shall be office-retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - B. All business, servicing or processing shall be conducted within completely enclosed buildings, except for off-street parking, loading and unloading and those open-air uses indicated as being permissible on special approval in Section 26-3.1.12.C.
 - C. All business shall provide on those sides abutting on adjacent to a residential district adequate lighting and screening as outlined in Sections 26-5.6 and 26-5.12.
 - D. In all instances where the planning commission finds that an excessive number of ingress and egress points may occur with relation to major or secondary thoroughfares, thereby creating dangers to public safety and diminishing the carrying capacity of the thoroughfares, the commission may recommend that the township board require service roads on abutting properties to allow traffic circulation from one (1) property to another without reentering the public thoroughfare. Such service road shall be provided for in the following manner:
 - i. The pavement of the service road shall be located thirty (30) feet from the future right-of-way line of the thoroughfare and shall be at least twenty-four (24) feet wide. The service road shall be an easement which will permit the use of the service road for traffic circulation from one (1) property to another. The easement shall be in a written form acceptable to the township board, and approved by the board prior to the issuance of a building permit. No permanent structures such as curbs shall be permitted within the easement. Each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one (1) property to another. The easement shall be recorded with the county register of deeds prior to the issuance of an occupancy permit.
 - ii. Where paved service roads are required by the planning commission the entire twenty-four-foot area shall be paved up to the abutting elevation of the service road at the property line and grades shall be coordinated. Service road elevations shall conform to elevations established by the township board. Paving of the service road shall meet construction specifications set by the township board.
 - iii. Temporary entrances and exits may be approved for individual sites provided money is placed in escrow to assure their elimination when appropriate. Occupancy permits shall not be issued until monies have been deposited with the township. In determining which entrances and exits will be permanent and which will be temporary, the planning commission shall generally be guided by a minimum distance of six hundred (600) feet between entrances and exits and the location of existing drives on the opposite side of the street.
 - iv. The thirty-foot setback area between the future road right-of-way and the service road shall be kept in grass and landscaped in accordance with plans approved by the planning commission.
 - E. All electrical and telephone service, including transmission and distribution lines, shall be placed underground.
- 7. P-1 Vehicular Parking Districts
 - A. The following limitations of use shall apply in P-1 vehicular parking districts:
 - i. The parking area shall be accessory to and for use in connection with one (1) or more business, research or industrial establishments, or in connection with one (1) or more existing professional or institutional office buildings or institutions.
 - ii. The parking area shall be used solely for parking of private passenger vehicles, for periods of less than one (1) day.
 - iii. No signs of any kind, other than signs designating entrances, exits and conditions of use shall be maintained on such parking area.



- iv. No building other than those for shelter of attendants shall be erected upon premises and they shall not exceed fifteen (15) feet in height.
 - v. Such parking lots shall be situated on premises which have an area of not less than six thousand (6,000) square feet and shall be contiguous to a B-1, B-2, B-3, O-1, O-2, R-O or I-L districts. There may be a private driveway or public street or public alley between such P-1 district and such B-1, B-2, B-3, O-1, O-2, R-O or I-L districts.
 - vi. Application for P-1 district use shall be made to the township planning commission by submitting a layout of the area requested showing the intended parking plan.
- B. Side yards
- Where a P-1 vehicular parking district is contiguous to side lot lines of premises within a residentially zoned district, the required obscuring fence shall be located on the property line.
- C. Front yards
- Where a P-1 vehicular parking district is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for the residential district, or a minimum of twenty-five (25) feet, or whichever is the greater. The required obscuring fence shall be located on the minimum setback line.
- D. P-1 vehicular parking districts shall be developed and maintained in accordance with Section 26-5.9.
8. I-OP Industrial-Office Park District
- A. Submittal Procedure
- i. If the proposed development involves application for approval of a subdivision for platting within the industrial-office park district, said plat shall conform to the requirements of the subdivision regulations of West Bloomfield Township as modified by this division and the state plat act.
 - ii. The application shall include a copy of the proposed development superimposed on a recent aerial

- photograph so that it can be related to the location of all existing and proposed structures and natural features on the subject property and within one hundred (100) feet of the subject property.
- iii. A site plan shall be submitted to the planning commission for review and approval of any use or development on a parcel of land or on a platted lot within the industrial-office park district.
 - iv. Site plans submitted to the planning commission shall be in accordance with this section and the provisions of Section 26-6.1.
 - v. All uses proposed to occupy any building or any proposed exterior modification to a structure or building or site modification shall be subject to review by the planning director or authorized designee to assure compliance with this section.
- B. Site Design Requirements
- All development within the industrial-office park district shall conform to the following requirements:
- i. Refer to Section 26-3.5, Notes to District Standards, for the limits on height and bulk of buildings and yard requirements.
 - ii. All activities shall be within a completely enclosed building. No outdoor storage, including the overnight storage of trucks and no more than three (3) company vehicles, shall be permitted. Exceptions are permitted for employee parking and shipping and receiving activities, as determined by the planning commission.
 - iii. For those developments within platted subdivisions, lot access shall be only from dedicated public rights-of-way within the subdivision. The minimum pavement width for all general circulation drives, private or public, shall be thirty-six (36) feet.
 - iv. Where appropriate, the planning commission may require the use of marginal access streets in accordance with Section 26-6.1, and half streets in accordance with the subdivision and land division regulations.



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v. All yards within the industrial-office park district which abut a major or secondary thoroughfare, collector street or platted industrial service road shall have a minimum width of fifty (50) feet as measured from the outside edge of the future right-of-way. All yards which abut any internal private street providing general circulation through the site shall have a minimum width of sixty (60) feet. The yard must be provided on the site and no parking or drives, other than for access to the site, are permitted within this yard unless approved by the planning commission. There shall be a landscaped berm of sufficient height provided along the thoroughfare; however, the planning commission may waive or modify these requirements depending on the topography and degree of natural buffer.

C. Performance Standards
 Any use established in the industrial-office park district shall be operated so as to comply with the performance standards set forth hereinafter in Section 26-5.11, with the exception of Subsection 26-5.11.3. The open storage of any equipment, vehicles and all materials, except as otherwise provided herein, is expressly prohibited. In addition, any use shall be prohibited from discharging acids or toxic materials into sanitary sewers or wells.

D. Preliminary Plat Submissions Requirements
 Preliminary plat submissions shall include covenants which indicate minimum architectural standards to be incorporated in any site plan for lots within the plat. This requirement is necessary in order to accomplish a consistency of development throughout the industrial park as well as to allow flexibility for individual architectural expressions. The planning commission shall at least review the design of buildings in terms of color and materials, and the site in terms of circulation, (i.e. linking of parking areas and service drives) and compatibility to the total development.

9. REC Recreation District
 A. Area and Bulk Requirements
 i. See Section 26-3.5, Notes to District Standards, limiting the height and bulk

of buildings, the minimum parcel size permitted by land use (except as provided for in this section), and the maximum density permitted.
 ii. In view of the fact that parcel size is relevant to development and use for recreational purposes, and that parcel size is a significant consideration in classifying property under this section, it is contemplated that, following the classification of particular contiguous property under single ownership as recreational district, such property shall not be divided into smaller parcels. Moreover, in the event such property is divided following the recreational district classification, the property owner shall be deemed to have self-imposed any financial or other burden which results from the reduction in size of the property.

B. Required Conditions
 i. Programming of activities subject to planning commission review. In those instances where the REC district incorporates public land, the programming of activities on such public lands shall not be subject to the review of the planning commission.
 ii. Responsibility of owner for maintenance and refuse collection. It shall be the responsibility of the owner of land within the REC Recreation District to ensure that the area is free of trash and debris and that a regularly scheduled maintenance program is established for the collection of refuse and policing of the grounds.

3.7 HEIGHT LIMITATIONS

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flagpoles or public monuments; provided, however, that the board of appeals may specify a height limit for any such structure when such structure requires authorization as a use permitted on special approval or under Section 26-4.48.

3.8 LOTS ADJOINING ALLEYS

For lots adjoining alleys in the Single Family Residential Districts: In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.



3.9 PROJECTIONS INTO YARDS

1. Building Projections: The following permitted building projections are intended to accommodate minor exterior design features of a larger building mass. It is not intended to permit additional floor area, or a substantial portion of a building wall to project into required setbacks.
 - a. Architectural features may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend or project into a required front or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.
 - b. The roof overhang on a principal building, including but not limited to the roof overhang on such features as bay windows, may extend not more than sixteen (16) inches into a required side yard.
 - c. The roof overhang on a principal building, including but not limited to the roof overhang on such features as bay windows, shall not project into the required front or rear yard more than three (3) feet.
 - d. The roof overhang on accessory buildings shall not project more than sixteen (16) inches into a required yard.
 - e. Basement window wells that are required by applicable construction codes in order to provide emergency egress shall be permitted to encroach up to forty-eight (48) inches into a required front, rear or side yard setback, only as necessary to comply with applicable construction codes, providing that the window well structure does not project more than eight (8) inches above grade.

3.10 RESERVED

3.11 RESERVED

3.12 DEVELOPMENT OPTIONS

1. Subdivision Open Space Plan
 - A. The purposes of the subdivision open space plan for R-10, R-12.5 and R-15 one-family residential districts are to promote the following objectives:

- i. Provide a more desirable living environment by preserving the natural character of open field, stands of trees, brooks, hills and similar natural assets;
 - ii. Encourage developers to use a more creative approach in the development of residential areas;
 - iii. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site;
 - iv. Encourage the provisions of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- B. If this option is selected, the following conditions apply:
 - i. Lot dimensions in R-12.5 and R-15 one-family residential districts may be reduced by ten (10) percent provided the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each one-family district under Section 26-3.5, Notes to District Standards.
 - a. All calculations of density for residential development shall be predicated upon the R-12.5 and R-15 one-family districts having the following gross densities (including roads):
 - (1) R-12.5-2.6 dwelling units per acre.
 - (2) R-15-2.2 dwelling units per acre.
 - a. Lot widths shall not be less than eighty (80) feet in an R-12.5 zone and one hundred (100) feet in an R-15 zone.
 - b. Lot depths shall not be less than one hundred twenty (120) feet in the R-12.5 district and one hundred thirty (130) feet in an R-15 district. Minimum yard setbacks as indicated in Section 26-3.5 shall be provided.

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- ii. For each square foot of land gained under the provision of Subsection 26-3.12.B.i. within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in the Section 3.1, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the township and according to Section 21-23(1).
 - iii. The area to be dedicated for the common use of the subdivision shall in no instance be less than two (2) acres and shall be in a location and shape approved by the township. A parcel divided by a road or stream shall be considered one (1) parcel. The land area necessary to meet the minimum requirements of this section shall not include easements, bodies of water, swamps or land with excess grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage.
 - iv. Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian accessways.
 - v. The subdivision open space technique shall be acceptable only in those instances wherein the entire preliminary plat, which has received the approval of the township, is carried through a final plat and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.
 - vi. Application for approval of a subdivision open space plan shall be submitted at the time of submission of the preliminary plat as required by the state plat act and the township subdivision regulations.
2. Average Lot Sizes
- A. The purpose of the averaged lot size plan for R-10, R-12.5 and R-15 one-family residential districts is to promote the following objective: to encourage developers to use a more efficient and creative approach in the development of residential areas by allowing flexibility in platting land which has unusual topographic features, is adjacent to

- permanent open space or recreation land, or for other reasons which, in the judgment of the planning commission, make the use of averaged lot size plan suitable. Averaged lot size lots granted tentative preliminary plat approval by the township board prior to January 31, 1991, shall conform to the regulations for lot area, lot width, lot depth and yard requirements in effect at the time the lot was granted preliminary plat approval by the township board and shall be considered legal nonconforming lots if not in accordance with current regulations.
 - i. The plan shall be approved only if agreeable to the planning commission.
 - ii. In approving an averaged lot size plan, the planning commission shall determine that the character of adjacent lots are similar, and large variations in size shall not be permitted. Existing lots in adjoining developments shall be considered in determining whether or not this plat is acceptable.
 - iii. It is not the intent to allow an increase in number of lots in an averaged lot size plan over that which would be obtained in normal platting. Density must not exceed that allowed for the district in which this plan is permitted.
- B. If this option is selected, the following conditions apply:
- i. Lot sizes in the R-15 one-family residential district may be varied, provided that the number of residential lots shall be no greater than if the land area to be subdivided were developed with the minimum square foot lot area required for this district under Section 26-3.5.
 - a. Average lot-sized subdivisions shall have a gross density of not more than 1.6 dwelling units per acre (including roads).
 - b. In meeting the minimum lot size, the subdivision shall be so designed as not to create lots of less than twelve thousand five hundred (12,500) square feet in area. The average lot area of the total of all lots in the subdivision shall not be less than thirteen thousand five hundred (13,500) square feet. Minimum lot widths shall not be less than eighty (80)



feet. The average lot width of the total of all lots in the subdivision shall not be less than one hundred (100) feet. Lot depths shall be not less than one hundred five (105) feet.

- ii. Application for approval of an averaged lot size plan shall be submitted at the time of submission of preliminary plat as required by the state plat act and the township subdivision regulations.
 - a. Each final plat submitted as part of a preliminary plat shall average the minimum required for the R-15 district.
 - b. All computations showing lot area and average area resulting from the use of this technique and number of lots allowed with normal platting, as well as number of lots obtained using this plan, shall be indicated on the preliminary plat in addition to all other information normally required.

3. One-Family Clustering Option.

- A. Intent: The intent of this section is to permit one-family residential development which, through design innovation, will encourage creative development alternatives which will benefit the total community by preserving desirable open space, wetlands, designated and undesignated woodlands, and other natural assets, in conjunction with the development of clustered one-family residential dwellings and provide improved design alternatives other than conventional subdivision development for difficult sites. The proposed cluster development must meet the letter and spirit of the zoning ordinance and the use will be compatible with already existing uses in the area, not interfere with the orderly development of the area, and not be detrimental to the safety or convenience of vehicular or pedestrian traffic in the area.
 - i. This option can be utilized by modification of the one-family residential district standards outlined in Section 26-3.5, subject to the conditions herein imposed. The overall density permitted under this option shall not exceed that permitted in a conventional subdivision development

after applying the provisions of the wetlands ordinance and the woodland protection provisions of the zoning ordinance. (See Subsection E [26-3.12.3.E] for permitted densities.)

- ii. Any parcel for which the one-family cluster option is considered must first meet the criteria as outlined in Subsection (B) and satisfy the conditions in Subsections (D) and (E). Granting of the option is solely discretionary and consideration of the character of the development of the surrounding area will be an important criterion to be considered in making such determinations.
- B. Qualification of Parcel: Before the planning commission, in the exercise of its discretionary power, qualifies a parcel for development under this section, it shall determine that granting of the optional use will not interfere with orderly development of the surrounding area and will not be detrimental to the safety or convenience of vehicular or pedestrian traffic. The parcel shall have at least two (2) of the following characteristics, supported by documented evidence as required below, prepared by a registered architect, professional community planner, landscape architect, engineer or similar professional in environmental design:
- i. Natural features. The parcel contains natural assets which would be preserved in addition to the preservation provided for under the woodlands and wetlands ordinances through the use of the cluster development. Such assets may include natural stands of large trees which are not designated by the township as woodlands, land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
 - ii. Topographic features. The parcel contains major topographic conditions which make development under the normal subdivision approach impractical. In considering qualification under this subsection, the planning commission shall determine that the following conditions exist:



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- a. The natural land forms are so arranged that the change of elevation within the site includes slopes in excess of fifteen (15) percent between these elevations. These elevation changes and slopes shall appear as a predominant feature of the site rather than the exceptional or infrequent feature of the site: and,
- b. Mass grading of the site would be necessary in order to achieve the maximum road grade permitted by the Oakland County Road Commission and the use of one-family cluster development will allow for a greater preservation of a desirable natural setting.
- iii. Wetland features. The parcel contains substantial portions of floodplain and wetlands worthy of preserving. A floodplain and wetlands map, certified by the appropriate federal, state, county or township agency, indicating the extent of the wetlands and floodplain area, shall be submitted to the planning commission in order to support the proposal for the parcel's qualification for cluster development.
- iv. Woodland features. The parcel contains woodlands as designated, mapped and adopted by the township.
- v. Small parcel features. The parcel is too small, too narrow or too shallow to allow a subdivision of lots reasonably conforming with the size and shape set forth in the township subdivision regulations or is shaped in such a way that the angles formed by the parcel boundaries make a subdivision of such lots difficult to achieve. An exhibit shall accompany a request to qualify under these characteristics that graphically portrays the building envelope and lot sizes and shapes that would result from a conventional plat of the parcel.
- vi. Road frontage features. The parcel has no less than thirty-five (35) percent of the perimeter bordered by a major or secondary thoroughfare which would result in no less than thirty-five (35) percent of the lots in a conventional subdivision development abutting the thoroughfare, and subject to disturbance by vehicular traffic, noise and lights.
- C. Submission Requirements and Conditions of Qualification:
 - i. The application for qualification shall include a preliminary development plan of the property in question. The plan shall indicate the topography of the site at two-foot contour intervals and the limits of all floodplains and watercourses and designated wetlands as determined by the township's wetlands consultant. If the site contains designated woodlands, the township's forester's inventory and evaluation report shall be included and the boundaries of each stand of trees referred to in the report shall be indicated on the plan. The plan shall include all existing structures, roads and other improvements and the circulation concept, general location of proposed structures, stormwater retention areas, general parking scheme and proposed open space areas. The preliminary development plan shall conform to the site design requirements of Subsection (D). To aid the decision of the planning commission, the petitioner shall submit a preliminary lot layout for the development of the site as a conventional subdivision after applying the provisions of the wetland ordinance and the woodland protection provisions of the zoning ordinance. The preliminary lot layout as a conventional subdivision shall include the general street pattern and lot configurations with the wetland and woodland determination as described above.
 - ii. If, at its discretion, the planning commission qualifies a parcel of land for one-family cluster development, it shall also stipulate general development concepts to the preliminary development plan which shall be reflected in the subsequent final site plan design. These general development concepts shall reflect the basis for qualification, access to and from the site, open space areas, approximate location of proposed structures, buffering concepts to adjacent developed parcels and location of off-site improvements, such



as utilities, which will be required to serve this site.

- iii. And if a parcel has qualified at the effective date of this amendment, the qualification for such parcel of land shall expire after two (2) years on the anniversary date of the qualification by the planning commission. Qualification and final site plan approvals made subsequent to the effective date of this amendment shall expire two (2) years on the anniversary date of such approval. All parcels previously qualified, but which have not received final site plan approval, must meet the provisions of Subsections (C), (D) and (E) as amended.

If a final site plan has been approved within this two-year period, the qualification shall run with the term of the site plan. The commission may consider extending the cluster qualification for additional one-year period increments, or a portion thereof, when requested by the property owner, provided there is progression towards the approval of the final site plan or woodland and/or wetland approvals are under consideration but have not been approved.

D. Site Design Requirements: All cluster developments shall conform to the following restrictions:

- i. Preservation area. Within the cluster development, a minimum of seventeen (17) percent of the total parcel shall be in preservation open space areas that would not otherwise be preserved under chapter 12, Floodplain, Floodway, Watercourse and Wetland Protection. The preservation open space areas shall be measured no closer than ten (10) feet to the side or thirty-five (35) feet to the rear of the dwelling units and shall be dedicated to the common use of the residents of the development. Roads and bodies of water, while included in total parcel area, shall be excluded from the preservation area calculations.
- ii. Shoreline setback. Buildings within a cluster development shall maintain the following minimum setbacks from a shoreline:

Number of Living Units per Building	Minimum Setback from Shoreline
1 (single detached)	35 feet
2 attached (if specific exemption is granted)	40 feet

- iii. Tree preservation. The placement of housing units and other improvements should be done in such a way as to preserve wooded areas contained on the site.
- iv. Floodplain restriction. There shall be no dwelling units or development other than streets, utilities, pathways, parking, and recreation areas allowed within a defined floodplain.
- v. Wetland restriction. There shall be no development or modification of any kind within a designated wetlands or floodplain area without there first being issued a wetlands use permit by the township in accordance with the provisions of Chapter 12.
- vi. Transition buffer. Where a proposed cluster development abuts a one-family residential district the detached cluster homes adjacent to the one-family residential district shall be located and constructed in accordance to the minimum standards of Section 26-3.5 for side and rear yard setbacks, size of dwellings, maximum height of structure, site size per dwelling and coverage of the site. Where special exception is granted for attaching cluster units, one of the following transition methods may be used in lieu of but not less than the minimum standards above to create an effective buffer:
 - a. Designated preservation area or recreation area.
 - b. Changes in topography where an elevation difference of fifteen (15) feet can be provided between the finish floor elevation of the cluster home and the abutting one-family district.
 - c. Effective landscape buffering which may be natural stands of trees and/or supplemental plantings.

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vii. Detached/attached. All cluster housing units shall be detached; however, specific exception may be granted when it is shown to and accepted by the township that the use of attached housing units are necessary to reduce the impact of development on the site; provided, however, in no event shall the number of attached units exceed twenty (20) percent of the total units on the parcel.

If attachment of dwelling units is approved by special exception, said units shall be attached by means of an approved architectural wall detail, or through a common wall in only the garage portion of adjoining structures. The maximum number of units which may be attached in the above-described manner shall be two (2). Variety in the design of individual units should be provided by the use of design details which do not appear to be continuous or repetitious, such as private entranceways or private outdoor courtyards. A building pattern which is repetitious throughout a project should not be used.

- vii. Side, front and rear yards. Yard requirements shall be provided as follows:
 - a. Minimum side yard spacing between buildings shall be twenty (20) feet in the R-10, R-12.5 and R-15 One-Family districts. Where construction is proposed on wooded sites, the planning commission and township board may approve adjustments to the minimum side yard spacing where it can be shown that additional trees would be preserved. Under this waiver, in the R-10, R-12.5 and R-15 districts, the side yard distance may be reduced to fifteen (15) feet provided the average side yard distance between all of the dwelling units is no less than twenty (20) feet.
 - b. The setback of all detached dwelling units and parking areas shall be a minimum of forty (40) feet from the proposed right-of-way of any major or secondary thoroughfare. If specific exception

is granted for attached dwelling units, the minimum setback shall be increased to seventy-five (75) feet.

- c. Dwelling unit setbacks from the center of internal streets (front yard) shall be as follows:
 - (1) General circulation streets:
 - (2) Living areas--53 feet. Nonliving areas--33 feet.
 - (3) Limited circulation streets:
 - (4) Living areas--33 feet. Nonliving areas--33 feet.
 - (5) In those developments where dedicated streets are required by the township, or proposed by the petitioner, no off-street parking shall be permitted within the dedicated right-of-way.
 - (6) For parcels where topographic conditions set forth in Subsection 26-3.12.3.B.ii of this section are utilized, and on lands having slopes in excess of fifteen (15) percent adjacent to a street, the street setback for structure may be reduced to thirty-three (33) feet from the center of the street.
- d. Cluster units shall be located so that one (1) unit is not closer than seventy (70) feet to another unit when measured through the rear yard open space. Side yards and street yards shall not be considered as open space areas. The township, on a case-by-case basis, may waive the seventy-foot requirement for detached units, providing that a minimum distance of fifty (50) feet shall be maintained. The waiver must be based on the determination by the township that the purpose of cluster housing is accomplished by allowing the reduced spacing.
- i. Tree plantings. At least three (3) deciduous or evergreen trees per dwelling unit having at least a three-inch caliper measured one (1) foot above the ground shall be planted in the project area, in addition to existing



vegetation. Location of such trees, as well as existing trees, shall be indicated on the site plan.

- j. Building height. In computing the height of any individual dwelling unit in a cluster on a slope in excess of fifteen (15) percent when the unit is constructed on stilts, the first ten (10) feet of height in the stilts shall not be computed. Application of the definition of "building height" shall apply over and above this ten (10) feet of height stilt.
- k. Thoroughfare buffer. A landscape berm, at least five (5) feet high, or equivalent natural buffer, shall be provided along the entire property abutting a major or secondary thoroughfare. Slopes of said berm shall be gentle enough so as not to erode when planted with grass. Berm locations shall be designed so that the view of oncoming traffic is not obscured at intersection.
- l. Road access. Street ingress and egress in those areas qualified under 26-3.12.3.B.v and vi shall be directly to a major thoroughfare or secondary thoroughfare, and may not be permitted through adjoining subdivision streets without approval of the township.
- m. Waterfront use. When no lake front lots are created within the development, the maximum number of boats which can be launched from the commons area or stored in any manner within the commons area or on the water shall be determined by zoning district and shall not exceed the following:

District	Number of Spaces/Foot of Lake Frontage
R-10	2 boats/70 feet
R-12.5	2 boats/80 feet
R-15	2 boats/100 feet

The creation of any lake front lots within the development shall preclude the use of boats in any manner from the commons area.

Prior to the issuance of a building permit, the owner or developer shall provide the township with evidence that the limitation on the number of boats to be docked shall be included in the open space agreement and evidence of such limitation shall be submitted to the township board and shall be reviewed by the township attorney.

- E. Permitted Densities:
 - i. In all parcels which have been qualified for cluster development, a total unit count, up to but not exceeding the following limits, may be permitted by the township:
 - a. R-10 Districts--3.5 dwelling units per acre*
 - b. R-12.5 Districts--2.5 dwelling units per acre*
 - c. R-15 Districts--2.2 dwelling units per acre*

* Density computation includes all roads but excludes that land ineligible for computation under Subsection E.iii below. The density within any square acre of land in the cluster development shall not exceed six (6) complete dwelling units, unless an exception is approved by the township.
 - ii. The township, when determining the actual number of dwelling units which may be approved as part of the site plan, may consider the following in their analysis: transition buffering as specified in Subsection D.vi; traffic generation; demand for public utilities and placement of those utilities; site disturbance from placement of dwelling units and roads; grading on site; and the number of lots which could be platted on the site.
 - iii. On parcels containing bodies of water, designated wetlands and/or floodplains, no density credit shall be allowed for such features; however, an area of the cluster site where a lake, pond or body of water is to be created may be included in the computation of density.
- F. Approval Procedures: Two (2) distinct steps are required to develop a parcel of land under the one-family cluster option: Qualification of parcel and preliminary

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development plan approval and final site plan approval.

- i. Qualification of parcel and preliminary development plan approval:
 - a. In submitting an application for qualification of a parcel and preliminary development plan approval to the planning commission, the petition shall include documentation substantiating two (2) or more of the characteristics outlined in Section 26-3.12.3.B, shall provide a recent aerial photograph depicting the entire site, and shall provide all information and documentation required by Subsection 26-3.12.3.C.i.
 - b. Upon receipt of a completed application, the petitioner will be placed on the planning commission agenda. The planning commission shall subsequently determine appropriate further action to be taken, which may include:
 - (1) Scheduling of a site inspection;
 - (2) A request for further information; or
 - (3) Denial of the request.
 - c. If a site inspection is scheduled, the planning commission shall, on such site inspection, reach a consensus as to the preliminary qualification of the property in question, subject to the preliminary development plan approval. If the consensus is that the property meets the criteria for qualification, a hearing shall be scheduled. Notice of such hearing shall:
 - (1) Be published in a newspaper of general circulation in the township. Such notice shall be made once not less than fifteen (15) nor more than thirty (30) days before the hearing; and
 - (2) Shall be sent by first-class mail or personal delivery to those owners and occupants of property within three

hundred (300) feet of the parcel being considered and to adjacent subdivision associations and lake associations registered with the township once not less than fifteen (15) nor more than thirty (30) days before the hearing; and

- (3) In addition, the property under consideration shall be posted not less than fifteen (15) nor more than thirty (30) days before the hearing and shall contain adequate information regarding the hearing.
- d. At the scheduled hearing, the planning commission shall review the preliminary development plan and determine whether or not to qualify the parcel for cluster development subject to its stipulated development recommendations based on the preliminary development plan.
- e. Within thirty (30) days, the recommendation of the planning commission on the qualification of parcel and preliminary development plan shall be referred to the township board for consideration. The township board shall either approve, deny or modify the recommendation of the planning commission. A public hearing is not required for review of the qualification of parcel and preliminary development plan by the township board.
- ii. Final site plan approval:
 - a. Consistent with the approved preliminary development plan, the petitioner shall submit a final site plan with typical building elevations and floor plans, topography drawn at a two-foot contour interval, all computation relative to acreage and density, and any other details which assist in reviewing the proposed plan. For review purposes, a copy of the site plan shall be superimposed on a recent aerial photograph so that the improvement can be related to the existing natural



conditions on the site and to adjacent development. The site plan shall have indicated on it, by specific dimensions, the setbacks from all property lines and distances between buildings and between roads and buildings.

- b. The plans submitted under this option shall be accompanied by information as required in Section 21-45(3) of the township's subdivision regulations.
- c. Prior to approval of the final site plan, the planning commission shall conduct a public hearing. Notice of such public hearing shall:
 - (1) Be published in a newspaper of general circulation in the township. Such notice shall be made once not less than fifteen (15) nor more than thirty (30) days before the hearing; and
 - (2) Be sent by first-class mail or personal delivery to those owners and occupants of property within three hundred (300) feet of the parcel being considered and to adjacent subdivision associations and lake associations registered with the township once not less than fifteen (15) nor more than thirty (30) days before the hearing. The notice shall describe the nature of and indicate the property which is the subject of the site plan request, give the date, time and place of the hearing, and indicate where written comments can be received concerning the request. The cost of this notification shall be borne by the applicant at a fee established by the township board.
- d. If the planning commission is satisfied that the proposal meets the letter and spirit of the West Bloomfield Township Zoning Ordinance, and that the use would be compatible with already existing uses in the area, will not interfere with orderly development

of the area, will not disproportionately affect the sewer capacity and water supply in the area, and will not be detrimental to the safety or convenience of vehicular or pedestrian traffic, and consequently should be approved, it will recommend approval to the township board with the conditions upon which such approval should be based. If the planning commission is not satisfied that the proposal, for any of the aforementioned reasons, meets the letter and spirit of the West Bloomfield Township Zoning Ordinance, and consequently should not be approved, it shall deny approval and record the reasons there for in the minutes of the planning commission meeting. Recommendations of approval or disapproval of the proposal, together with copies of all layouts and other relevant information, shall be forwarded to the township clerk. If the proposal has been recommended for approval by the planning commission, the clerk shall place the matter upon the agenda of the township board. If denied, the petitioner shall be entitled to a hearing before the township board. A request for such hearing shall be submitted in writing to the township clerk within thirty (30) days after action by the planning commission. A notice of such hearing shall, not less than fifteen (15) nor more than thirty (30) days before the hearing:

- (1) Be published in a newspaper of general circulation in the township; and,
- (2) Be sent by first-class mail or personal delivery to:
 - (a) (Those owners and occupants of property within three hundred (300) feet of the parcel being considered for approval; and to
 - (b) Adjacent subdivision associations and lake associations that include the parcel and are

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registered with the township.

The notice shall describe the nature of and indicate the property which is the subject of the site plan request; give the date, time and place of the hearing; and indicate where written comments can be received concerning the request. The cost of this notification shall be paid by the applicant at a fee established by the township board.

e. Prior to approval of the final site plan, the township board shall conduct a public hearing. Notice of such hearing shall:

(1) Be published in a newspaper of general circulation in the township. Such notice shall be made once not less than five (5) nor more than fifteen (15) days prior to the hearing; and

(2) Be sent by first-class mail or personal delivery to those owners and occupants of property within three hundred (300) feet of the parcel being considered for final site plan approval and to adjacent subdivision associations and lake associations registered with the township once not less than five (5) nor more than fifteen (15) days before the hearing. The notice shall describe the nature of and indicate the property which is the subject of the site plan request, give the date, time and place of the hearing, and indicate where written comments can be received concerning the request. The cost of this notification shall be borne by the applicant at a fee established by the township board.

f. If the township board approves the proposed final site plan, it shall instruct the township attorney to prepare a contract setting forth the conditions upon which such approval is based. Such contract, after approval by the township board, shall be entered into

between the township and the petitioner prior to the issuance of a building permit for any construction in accordance with the approval. All reasonable costs as established by the township board related to the preparation of said contract shall be paid by the petitioner.

g. As a condition for the approval of the final site plan by the township board, the petitioner shall furnish a cash bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in the amount of the cost of the proposed improvements to the open land, as estimated by the township engineer and township planner, guaranteeing the completion of such improvement within a time to be set by the township.

4. Planned Subdivision Option

A. Intent: The intent of this section is to permit single-family residential development which, through design innovation, will encourage creative development alternatives which will benefit the total community by preserving desirable open space, wetlands, designated and undesignated woodlands, and other natural assets in conjunction with the development of detached single-family residential dwellings and provide additional detached unit design alternatives to conventional subdivision development for difficult sites. The proposed planned subdivision option development must meet the letter and spirit of the zoning ordinance and the use will be compatible with already existing uses in the area, not interfere with the orderly development of the area, and not be detrimental to the safety or convenience of vehicular or pedestrian traffic in the area.

i. This option can be utilized by modification of the R-12.5 and R-15 single-family residential district standards outlined in Article 3, Zoning Districts, subject to the conditions herein imposed. The overall density permitted in these single-family residential districts shall not exceed that permitted in a conventional



subdivision development after applying the provisions of the wetlands ordinance and the woodland protection provisions of the zoning ordinance. (See Subsection E for permitted densities.)

- ii. Any parcel to be developed under the planned subdivision option must first be qualified as outlined in the following qualification of parcel section and satisfy the conditions in the following subdivision design requirements section. Granting of the option is solely discretionary and consideration of the character of the development of the surrounding area will be an important criterion to be considered in making such determinations.
 - iii. Individual lots in planned subdivision option subdivisions which were granted tentative preliminary plat approval by the township board prior to January 31, 1991, and are actively being pursued shall conform to the regulations for lot area, lot width, lot depth and yard requirements in effect at the time the lot was granted tentative preliminary plat approval by the township board and shall be considered legal nonconforming lots if not in accordance with current regulations.
- B. Qualification of Parcel: Before the planning commission, in the exercise of its discretionary power, qualifies a parcel for development under this section, it shall determine that granting of the optional use will not interfere with orderly development of the surrounding area and will not be detrimental to the safety or convenience of vehicular or pedestrian traffic. The parcel shall have at least two (2) of the following characteristics, supported by documented evidence as required below, prepared by a registered architect, professional community planner, landscape architect, engineer or similar professional in environmental design:
- i. Natural features. The parcel contains natural assets which would be preserved in addition to the preservation provided for under the woodland and wetland ordinances through the use of the planned subdivision option. Such assets may include natural stands of large trees

which are not designated by the township as woodlands, land which serves a natural habitat for wildlife, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.

- ii. Topographic features. The parcel contains major topographic conditions which make development under the normal subdivision approach impractical. In considering qualification under this subsection, the planning commission 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 fifteen (15) percent between these elevations. These elevation changes and slopes shall appear as the predominant feature of the site rather than the exceptional or infrequent feature of the site; and
 - b. Mass grading of the site would be necessary in order to achieve the maximum road grade permitted by the Oakland County Road Commission and the use of one-family cluster development will allow for a greater preservation of a desirable natural setting.
- iii. Wetland features. The parcel contains substantial portions of floodplain and wetlands worthy of preserving. A floodplain and wetlands map, certified by the appropriate federal, state, county or township agency, indicating the extent of the wetlands and floodplain area, shall be submitted to the planning commission in order to support the proposal for the parcel's qualification for cluster development.
- iv. Woodland features. The parcel contains woodlands as designated, mapped and adopted by the township.
- v. Small parcel features. The parcel is too small, too narrow or too shallow to allow a subdivision of lots reasonably conforming with the size and shape set forth in the township subdivision regulations, or is shaped in such a way that the angles formed by the parcel boundaries make a subdivision of such



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lots difficult to achieve. An exhibit shall accompany a request to qualify under these characteristics that graphically portrays the building envelope and lot sizes and shapes that would result from a conventional plat of the parcel.

- vi. Road frontage features. The parcel has no less than thirty-five (35) percent of the perimeter bordered by a major or secondary thoroughfare which would result in no less than thirty-five (35) percent of the lots in a conventional subdivision development abutting the thoroughfare, and subject to disturbance by vehicular traffic, noise and lights.

C. Submission Requirements and Conditions of Qualification:

- i. The application for qualification shall include a preliminary development plan of the property in question. The plan shall indicate the topography of the site at two-foot contour intervals and the limits of all floodplains and watercourses, and designated wetlands as determined by the township's wetlands consultant. If the site contains designated woodlands, the township forester's inventory and evaluation report shall be included and the boundaries of each stand of trees referred to in the report shall be indicated on the plan. The plan shall include all existing structures, roads and other improvements and the circulation concept, general location of proposed structures, stormwater retention areas, general parking scheme and proposed open space areas. The preliminary development plan shall conform to the site design requirements of Subsection (D). To aid the decision of the planning commission, the petitioner shall submit a preliminary lot layout for the development of the site as a conventional subdivision after applying the provision of the wetlands ordinance and the woodland protection provisions of the zoning ordinance. The preliminary lot layout as a conventional subdivision shall include the general street pattern and lot configurations with the wetland and woodland determinations as described above.

- ii. If, at its discretion, the planning commission qualifies a parcel of land for the planned subdivision option, it shall also stipulate general development concepts to the preliminary development plan, which shall be reflected in the subsequent subdivision design. These general development concepts shall reflect the basis for qualification, access to and from the site, open space areas, approximate location of proposed structures, buffering concepts to adjacent developed parcels and location of off-site improvements, such as utilities, which will be required to serve this site.

- iii. And if a parcel has qualified at the effective date of this amendment, the qualification for a parcel of land shall expire after two (2) years on the anniversary date of the qualification by the planning commission. Qualification made subsequent to the effective date of this amendment shall expire two (2) years on the anniversary date of such approval. All parcels previously qualified, but which have not received plat approval, must meet the provisions of Subsections (B), (C) and (D) as amended.

If a plat has been approved within this two-year period, the qualifications shall run with the term of the plat. The commission may consider extending the planned subdivision option qualification for additional one-year increments, or a portion thereof, when requested by the property owner, provided there is progression towards the approval of the preliminary plat or woodland and/or wetland approvals are under consideration but have not been approved.

D. Subdivision Design Requirements: All planned subdivision option (PSO) developments shall conform to the following restrictions:

- i. Preservation area. Within the PSO, a minimum of seventeen (17) percent of the total parcel shall be in preservation open space areas that would not otherwise be preserved under chapter 12, Floodplain, Floodway, Watercourse and Wetland Protection. The preservation open space areas shall



- be dedicated to the common use of the residents of the subdivision. Roads and bodies of water, while included in total parcel area, shall be excluded from the preservation area calculations.
- ii. Subdivision design standards:
 - a. In the R-12.5 and R-15 districts, the minimum lot size shall be eighty (80) feet in width at the building line and one hundred thirty-five (135) feet in depth and shall be at least ten thousand eight hundred (10,800) square feet in area. However, when the rear yard of a lot is adjacent to a dedicated park, the lot depth can be reduced to one hundred ten (110) feet and the lot area can be reduced to eight thousand eight hundred (8,800) square feet.
 - b. Minimum spacing between buildings is to be twenty (20) feet in the R-12.5 and R-15 districts.
 - c. The combined total of the width of the two (2) side yards on any lot must not be less than twenty (20) feet in the R-12.5 and R-15 districts.
 - d. In the R-12.5 and R-15 districts, no house may be constructed closer than ten (10) feet from any side lot line.
 - e. All buildings shall be set back at least fifty (50) feet from the edge of any internal private street providing general circulation through the site. In the R-12.5 and R-15 districts, all buildings shall be set back at least thirty-five (35) feet from the right-of-way of any internal public street. Any building fronting on an existing street shall be set back from the street as required in article III of this chapter. On those parcels where the topographic conditions set forth in Subsection B.ii of this section are utilized and on lands having slopes in excess of fifteen (15) percent, the setback may be reduced by five (5) feet, but in no instance shall a structure be closer than twenty (20) feet to a public right-of-way.
 - f. In all districts, the rear yard setback shall be a minimum of thirty-five (35) feet.
 - iii. Tree preservation. The placement of housing units and other improvements should be done in such a way as to preserve wooded areas contained on the site.
 - iv. Floodplain restriction. There shall be no dwelling units or development other than streets, utilities, pathways, parking, and recreation areas allowed within a defined floodplain.
 - v. Wetland restriction. There shall be no development or modification of any kind within a designated wetland or floodplain area without there first being issued a wetlands user permit by the township in accordance with the provisions of chapter 12.
 - vi. Transition buffer. Where a proposed planned subdivision option abuts a one-family residential district, the lots adjacent to the one-family residential district shall be located and constructed in accordance to the minimum standards Section 26-3.1, for side and rear yard setbacks, size of dwellings, maximum height of structure, site size per dwelling and coverage of the site.
 - vii. Tree plantings. At least three (3) deciduous or evergreen trees per dwelling unit shall be planted in the project area in addition to existing vegetation. The minimum size requirement for these trees shall be three-inch caliper, measured one (1) foot above the ground for deciduous trees or a minimum height of six (6) feet for evergreen trees. The presentation of a master landscape plan for the subdivision may be supplanted for one (1) of the three (3) required trees, providing the location of such trees, as well as existing trees, shall be indicated on the master landscape plan.
 - viii. Thoroughfare buffer. A landscaped berm, at least five (5) feet high, or equivalent natural buffer, shall be provided along the entire property abutting a major or secondary thoroughfare. Slopes of said berm shall be gentle enough so as not to



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erode when planted with grass; berm locations shall be designated so that the view of oncoming traffic is not obscured at intersection. In lieu of berming, the township may consider the following options:

- a. The use of obscuring fencing not more than five (5) feet high; or
- b. Lot depth of not less than one hundred forty (140) feet adjacent to a major or secondary thoroughfare.
- ix. Road access. Street ingress and egress in those areas qualified under Subsections B.v and vi shall be directly to a major thoroughfare or secondary thoroughfare, and may not be permitted through adjoining subdivision streets without approval of the township.

E. Permitted Densities:

- i. In all parcels which have been qualified for development under the planned subdivision option, a total unit count up to, but not exceeding, the following limit, may be permitted by the township. The density per acre shall not exceed:
 - a. R-12.5 districts--2.5 dwelling units per acre.
 - b. R-15 districts--2.2 dwelling units per acre.

Density computation includes all roads but excludes that land ineligible for computation under Subsection E.iii below. The density within any square acre of land in the subdivision shall not exceed six (6) complete dwelling units, unless an exception is approved by the township.

- ii. The township, when determining the actual number of lots which may be approved as part of the plat, should consider the following in their analysis: transition buffering as specified in Subsection D.vi; traffic generation; demand for public utilities and placement of those utilities; site disturbance from placement of dwelling units and roads; grading on site; and the number of conventional lots which could be platted on the site.

- iii. On parcels containing bodies of water, designated wetlands and/or floodplain, no density credit shall be allowed for such features; however, an area of the planned subdivision option where a lake, pond or body of water is to be created may be included in the computation of density.

F. Approval Procedures: Two (2) distinct steps are required to develop a parcel of land under the planned subdivision option: Qualification of parcel and preliminary plan approval and plat approval:

- i. Qualification of parcel and preliminary development plan approval:
 - a. In submitting an application for qualification of a parcel and preliminary development plan approval to the planning commission for development under the planned subdivision option, the petitioner shall include documentation substantiating two (2) or more of the characteristics outlined in paragraph B of this Section (26-3.12.3.B), shall provide a recent aerial photograph depicting the entire site, and shall provide all information and documentation required by Subsection C.i. of this Section (26-3.12.3.C.i).
 - b. Upon receipt of a complete application, it will be placed on the planning commission agenda for consideration. The planning commission shall subsequently determine appropriate further action to be taken, which may include:
 - (1) Scheduling of a site inspection;
 - (2) A request for further information; or
 - (3) Denial of the request.
 - c. If a site inspection is scheduled, the planning commission shall, on such site inspection, reach a consensus as to the preliminary qualification of the property in question subject to preliminary development plan approval. If the consensus is that the property meets the criteria for qualification,



a hearing shall be scheduled. Notice of such hearing shall:

- (1) Be published in a newspaper of general circulation in the township. Such notice shall be made once not less than fifteen (15) nor more than thirty (30) days before the hearing; and
- (2) Be sent by first-class mail or personal delivery to those owners and occupants of property within three hundred (300) feet of the parcel being considered and to adjacent subdivision associations and lake associations registered with the township once not less than fifteen (15) nor more than thirty (30) days before the hearing; and
- (3) In addition, the property under consideration shall be posted not less than fifteen (15) nor more than thirty (30) days before the hearing and shall contain adequate information regarding the hearing.

d. At the scheduled hearing, the planning commission shall review the preliminary development plan and determine whether or not to qualify the parcel for planned subdivision option, subject to its stipulated development recommendations based on the preliminary development plan.

e. Within thirty (30) days, the recommendation of the planning commission on the qualification of parcel and preliminary development plan shall be referred to the township board for consideration. The township board shall either approve, deny or modify the recommendation of the planning commission. A public hearing is not required for review of the qualification of parcel and preliminary development plan by the township board.

ii. Plat approval:

- a. Application for approval of a plat under this planned subdivision option shall be consistent with the approved preliminary development plan and shall conform to the requirements of the State Plat Act and the subdivision regulations of West Bloomfield Township as modified by this Amendment.
- b. If requested by the planning commission, the application shall include a copy of the plat superimposed on a recent aerial photograph so that the subdivision can be related to the additional natural conditions on the site and to adjacent development.
- c. If the planning commission is satisfied that the proposed subdivision plat meets the letter and spirit of the West Bloomfield Township Zoning Ordinance and that the use would be compatible with already existing uses in the area, will not interfere with orderly development of the area, will not disproportionately affect the sewer capacity and water supply in the area, and will not be detrimental to the safety or convenience of vehicular or pedestrian traffic, and consequently should be approved, it will recommend approval to the township board with the conditions upon which such approval should be based. If the planning commission is not satisfied that the proposal, for any of the aforementioned reasons, meets the letter and spirit of the West Bloomfield Township Zoning Ordinance, and consequently should not be approved, it shall deny approval and record the reasons therefore in the minutes of the planning commission meeting. Recommendations of approval or disapproval of the proposal, together with copies of all layouts and other relevant information, shall be forwarded to the township clerk. If the proposal has been recommended for approval by the planning commission, the clerk shall place the matter upon the agenda of the



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township board. If denied, the petitioner shall be entitled to a hearing before the township board. A request for such hearing shall be submitted in writing to the township clerk within thirty (30) days after action by the planning commission. A notice of such hearing shall, not less than fifteen (15) nor more than thirty (30) days before the hearing:

- (1) Be published in a newspaper of general circulation in the township; and
- (2) Be sent by first-class mail or personal delivery to:
 - (a) Those owners and occupants of property within three hundred (300) feet of the parcel being considered for approval; and to
 - (b) Adjacent subdivision associations and lake associations that include the parcel and are registered with the township.

The notice shall describe the nature of and indicate the property which is the subject of the plat approval request; give the date, time and place of the hearing; and indicate where written comments can be received concerning their request. The cost of this notification shall be paid by the applicant at a fee established by the township board.

- d. Prior to the approval of the final preliminary plat, the township board shall conduct a public hearing. Notice of such hearing shall:
 - (1) Be published in a newspaper of general circulation in the township. Such notice shall be made once, not less than five (5) nor more than fifteen (15) days prior to the hearing; and
 - (2) Be sent by first-class mail or personal delivery to those

owners and occupants of a property within three hundred (300) feet of the parcel being considered for final preliminary plat approval to adjacent subdivision associations and adjacent lake associations registered with the township once not less than five (5) nor more than fifteen (15) days before the hearing. The notice shall describe the nature of and indicate the property which is proposed for platting, give the date, time and place of the hearing, and indicate where written comments can be received concerning the request. The cost of this notification shall be borne by the applicant at a fee established by the township board.

- e. If the township board approves the final preliminary plat, it shall instruct the township attorney to prepare a contract, setting forth the conditions upon which such approval is based. Such contract, after approval, by the township board, shall be entered into between the township and the petitioner prior to the approval of the final plat.
- f. As a condition for the approval of the final plat by the township board, the petitioner shall furnish cash or irrevocable letter of credit from a bank chartered in the State of Michigan in the amount of the cost of the proposed improvements to the open land, as estimated by the township engineer, guaranteeing the completion of such improvement within a time to be set by the township board.



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CHAPTER 26

Article 4.0

Use Standards



Chapter 26

Article 4.0 Use Standards

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4.1 ONE-FAMILY DETACHED DWELLINGS

In addition to the development regulations from Article 3, One-Family Residential Dwellings shall be subject to the following:

1. Garages - a minimum of a one-car garage shall be provided for each dwelling unit.
 - a. Attached garages shall be required for each residential new construction and shall not exceed fifty (50) percent of the first floor area of the dwelling to which they are attached.
 - b. Detached garages shall comply with the area, placement and height requirements of accessory buildings as described in [Section 5.1.5](#).
2. Asphalt or concrete driveways shall be provided for any garage (attached or detached). For side entrance garages, the minimum driveway width between the main entrance to the garage and the side lot line shall not be less than twenty-two (22) feet and shall also include an additional two-foot wide swale drain to be located along the side lot line to ensure adequate storm drainage. The requirement for a two-foot-wide swale drain may be modified or waived by the engineering department if alternative means of storm drainage are provided.
3. Accessory buildings and structures shall be permitted subject to [Section 5.1.5](#).
4. Lakefront and Lakeview properties shall comply with the regulations of [Section 4.50](#).

4.2 RESERVED

4.3 ARCHERY

Archery ranges may be permitted but only where sufficient land buffer exists to protect passerby traffic, residences and businesses.

4.4 AUTOMOBILE SERVICE STATIONS¹

1. **In the B-1 local business and B-3 general business districts.** Automobile service stations for sale of fuels and lubricants, and minor accessories only, and where no repair work is done, other than incidental service, and not including steam cleaning or undercoating and subject to the following:
 - A. The curb cuts for ingress and egress to a service station shall not be permitted at such location that will tend to create traffic

hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from street intersections (measured from the road right-of-way) or from adjacent residential districts.

- B. The minimum lot area shall be forty thousand (40,000) square feet excluding road right-of-way and so arranged that ample space is available for motor vehicles which are required to wait.
 - C. There shall be provided, on those sides abutting or adjacent to a residential district, a five-foot obscuring fence. The height of the walls shall be measured from the surface of the grounds.
 - D. All lighting shall be shielded from adjacent residential districts.
2. **In the B-4 district.** Automobile service stations for sale of fuel, lubricants and minor accessories only, and for incidental repair work are subject to the following conditions:
 - A. Entrance and exit drives shall be no less than thirty-five (35) feet from any street intersection and fifty (50) feet from any residential district.
 - B. The minimum street frontage shall not be less than two hundred (200) feet.
 - C. An obscuring wall or fence or landscaped buffer shall be provided in accordance with the provisions of Section 26-5.12.
 - D. All lighting shall be shielded from adjacent parcels or thoroughfares.
 - E. Steam cleaning, undercoating and major repair work is prohibited.
 - F. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than twenty (20) feet from existing or proposed street right-of-way lines.
 - G. Adequate space shall be made available for vehicles which are required to wait.
 - H. The storage of vehicles shall be obscured from view with an obscuring wall or fence in accordance with the provisions in Section 26-5.12. No more than five (5) vehicles shall be stored at one (1) time, and no vehicle shall be stored for a period exceeding one (1) week.



4.5 AUTO WASH

1. **In the B-3 district.** Auto washes are permitted, subject to the following:
 - A. Buildings shall be set back sixty (60) feet from the right-of-way line of any existing or proposed street right-of-way.
 - B. Vehicular entrance to the lot to be developed shall not be less than five hundred (500) feet from the intersection of any two (2) major thoroughfares. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - C. A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack.
 - D. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
2. **In the B-4 district.** Auto wash establishments are permitted when completely enclosed within a building and subject to the following conditions:
 - A. Buildings shall be set back sixty (60) feet from the existing or proposed right-of-way line.
 - B. Entrance and exit drives shall be no less than five hundred (500) feet from any street intersection and at least two hundred (200) feet from any residential district.
 - C. Waiting spaces shall be provided in an amount equal to seven (7) times the maximum automobile capacity within the building. Four (4) waiting spaces shall be provided for each stall in a do-it-yourself car wash. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - D. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.

- E. All lighting shall be shielded from adjacent parcels or thoroughfares.
- F. An obscuring wall or fence shall be provided on those sides abutting a residential district, in accordance with the provisions of [Section 26-5.12](#).

4.6 BED AND BREAKFAST

1. The site to be used for a bed and breakfast establishment shall be a minimum of one (1) acre in area and shall have a minimum of one hundred fifty (150) lineal feet of frontage on an existing or planned major or secondary thoroughfare. All ingress and egress from the site shall be directly onto such thoroughfare.
2. The residence to be used for the bed and breakfast operation shall be a single-family detached dwelling unit and shall be owner-occupied at all times.
3. The rooms utilized by guests for sleeping shall be a part of the single-family residence and shall not be specifically constructed, and shall not be remodeled or altered for bed and breakfast purposes.
4. The maximum stay for any guest of a bed and breakfast establishment shall be no longer than fourteen (14) days within any thirty (30) day period.
5. Paved parking shall be provided at a ratio of one (1) parking space for each sleeping room of the bed and breakfast establishment in addition to those required for the residential use. Such parking shall not be located in any front yard, required side yard or required rear yard, except that the planning commission may allow parking in the front yard if the location and development of such parking is determined by the planning commission to be compatible with the residential character of the neighborhood.
6. Occupancy of any bed and breakfast establishment shall be limited to eight (8) or fewer guests and the use shall be further limited to not more than four (4) rental sleeping rooms.
7. Rental sleeping rooms shall have a minimum area of one hundred (100) square feet for each two (2) occupants, with an additional thirty (30) square feet of floor area for each additional occupant to a maximum of four (4) occupants per room. At no time shall a bed and breakfast establishment utilize more than twenty-five (25)

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- percent of the total floor area of the single-family residential dwelling, excluding attached garages, porches and unfinished basements.
8. Food service shall be limited as compared to related forms of occupancy, reflecting that this use is to be conducted in a single-family neighborhood. Breakfast only may be served to guests. There shall be no cooking by guests, and no separate cooking facilities for guests apart from the kitchen facilities provided for the principal residence.
 9. Each operator of a bed and breakfast establishment shall keep a list of names and addresses of all guests and residents staying at the bed and breakfast and shall maintain a daily log listing check-in and check-out times of all guests. Such information shall be available for inspection by any township official involved in ordinance enforcement or compliance upon request, and shall be retained for a period of three (3) years.
 10. One (1) sign, a maximum of four (4) square feet in area may be permitted on the premises for the bed and breakfast establishment as approved by the planning commission.
 11. No premises shall be utilized for a bed and breakfast establishment unless there are at least two (2) exits to the outdoors from such premises. Each sleeping room used for a bed and breakfast establishment shall have a separate smoke detector alarm.
 12. No premises where there exists a bed and breakfast establishment shall be used for any other purpose, including, but not limited to, other principal permitted uses and special land uses in the zoning district in which the bed and breakfast establishment is located.
 13. Bed and breakfast establishments shall not be permitted on any premises where there exists any violation of a township ordinance, or in any building or on any parcel of land which does not conform to the requirements of the zoning ordinance and adopted construction codes.
 14. With regard to bed and breakfast establishments on any lot located adjacent to a lake, river or canal, guests of bed and breakfast establishments shall not be permitted to launch or moor a boat or other watercraft from the bed and breakfast establishment; however, access to the body of water shall be permitted solely by way of watercraft owned and operated at all times by the proprietor of the bed and breakfast.

15. Bed and breakfast establishments shall be registered with the township clerk and shall be licensed by the township through the clerk's office. Such license shall be valid until the next succeeding February 1 and shall be renewed on each February 1 thereafter. The procedure for licensure, and for the renewal of licensure, shall be established by resolution of the township board. In order to be entitled to a license, the applicant must first comply in all respects with this section of the Ordinance Code, and renewal of a license shall require the applicant to remain in compliance with this subsection.
16. All applicable state and township laws, codes and ordinances shall at all times be complied with, including, but not limited, the electrical code, mechanical code and fire prevention code.
17. Conditions imposed in order to enhance compatibility and reduce any adverse impacts upon neighboring properties and persons, and to otherwise achieve objectives authorized by law.
18. A licensee shall secure and maintain in effect a policy of insurance providing coverage in the minimum amount of one million dollars (\$1,000,000.00) for injuries to persons and property on the premises.

4.7 BOWLING ALLEY

1. **In the B-2 district**, such use may be permitted when located at least one hundred (100) feet from any front, rear or side yard line of any residential lot in a residential district.
2. **In the B-4 district**, bowling alleys, dance halls, gymnasiums and similar recreation or entertainment facilities, when located at least one hundred (100) feet from any front, side or rear yard line of any residential lot.

4.8 CARRY-OUT RESTAURANT

In the B-3 and B-4 districts, Carry-out restaurants are subject to the following:

1. A front yard setback of at least sixty (60) feet shall be required;
2. Ingress and egress points shall be located at least two hundred fifty (250) feet from the right-of-way of any intersecting street.



4.9 CEMETERIES

In the R-10, R-12.5 and R-15 districts, cemeteries are subject to the following:

1. A minimum of two hundred (200) lineal feet of frontage on an existing or planned major or secondary thoroughfare is required. All ingress and egress from the site shall be directly onto the thoroughfare.
2. The location of a cemetery shall be permitted in any quarter section of any R district when the quarter section does not have more than fifty-one (51) percent of its land area in recorded plats.
3. All sides of the cemetery shall be adequately screened from any residential view.
4. Approval by the planning commission shall be given contingent on a satisfactory drainage plan approved by the township engineer.

4.10 CHILD CARE CENTERS[□]

In the R-10, R-12.5 and R-15 districts, child care centers are subject to the following:

1. A minimum of two hundred (200) lineal feet of frontage on an existing or planned major or secondary thoroughfare is required. All ingress and egress from the site shall be directly onto the thoroughfare.
2. The site for the use shall be a minimum of two (2) acres in area including right-of-way.
3. No building shall be closer than forty (40) feet to any property line.
4. The outdoor play space shall have a total minimum area of not less than five thousand (5,000) square feet.
5. There shall be provided and maintained a minimum area of one hundred fifty (150) square feet of outdoor play space for each child cared for.
6. Obscuring walls/fences, green belts and/or landscaping berms in accordance with Section 26-5.13 shall be required by the planning commission unless waived when it is found that such requirement is not needed to achieve the landscape/screening objective or that it would be contrary to public interest.
7. Such centers shall be licensed by the state and be registered with the township clerk.

4.11 CLINICS

In the RO district, clinics may be permitted provided that all buildings shall be set back at least one hundred (100) feet from any residential district.

4.12 COIN-OPERATED AMUSEMENT DEVICE BUSINESS

A business whose primary activity is maintaining and operating coin-operated amusement devices shall be subject to the following.

1. Such use shall be located within a planned development where patron access to the use is exclusively through an entranceway common to a number of business establishments in an enclosed mall.
2. No such business shall be located within one-half mile of a similar business.
3. No such business shall be located within one hundred (100) feet from any front, rear or side yard line of any residential lot in a residential district.

4.13 DRIVE IN BUSINESS

In the B-3 district. Businesses in the character of a drive-in, so-called, or so-called open-front store are permitted subject to the following:

1. A set back of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
2. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
3. All lighting shall be shielded from adjacent residential districts.
4. A six-foot obscuring fence must be provided where abutting or adjacent to residential districts. The height of the wall shall be measured from the surface of the ground.

4.14 DRIVE-IN AND DRIVE-THROUGH RESTAURANTS[□]

1. General Requirements
 - A. Special land use required. All drive-in restaurants and restaurants with drive-through facilities shall be subject to the review standards and procedures referenced in [Section 6.2](#) Review Standards and Procedures for Special Land Uses. After the required public hearing and recommendation by the Planning Commission, the review and approval of

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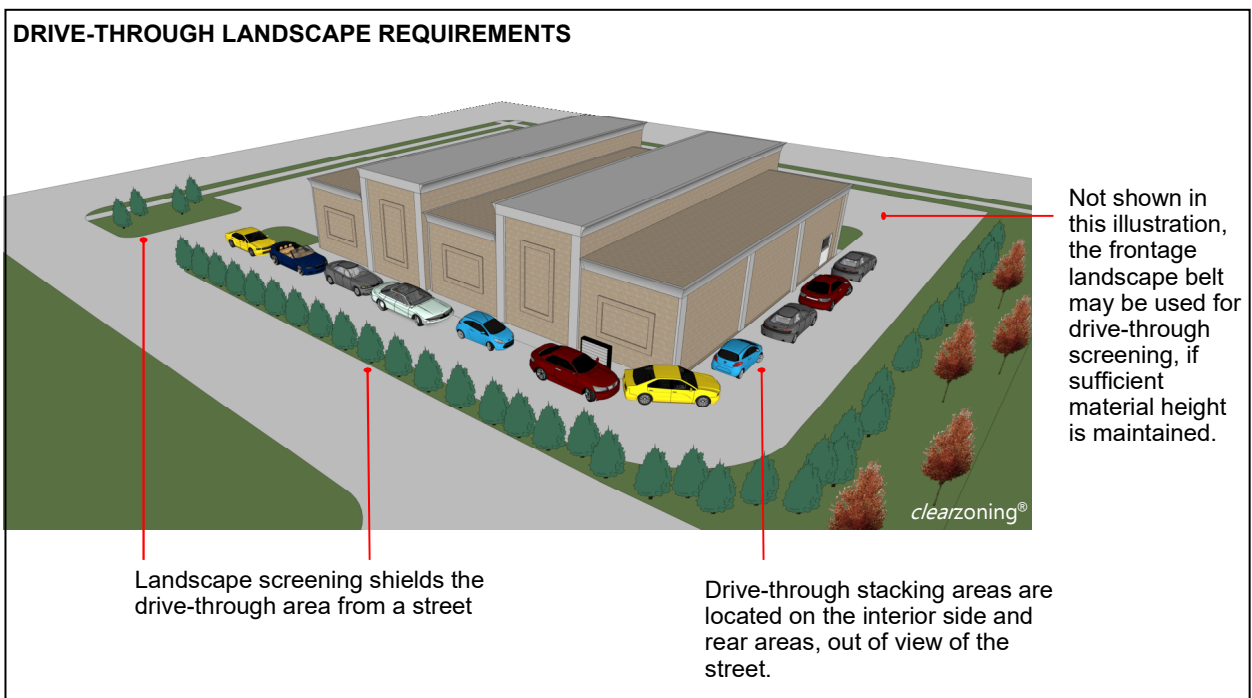


the site plan and special land use by the Township Board is required for all drive-in restaurants and restaurants with drive-through facilities.

- B. Accessory use. Drive-through facilities shall be accessory to a standard restaurant with indoor dining on-site.
- C. Performance Standard. All drive-in restaurants and restaurants with drive-through facilities shall comply with the Performance Standards of Section 5.11 of the Zoning Ordinance.
- D. Traffic Study. A traffic study/traffic impact statement may be required by the Planning Commission to ensure that the road and site are adequate to support the proposed drive-in restaurant or restaurant with drive-through facilities at the petitioner's expense.
- E. Additional findings. In addition to the special land use requirements from Section 6.2 Review Standards and Procedures for Special Land Uses, the Planning Commission shall make a finding that the proposed use will not have an adverse impact on the site and on the adjacent lands and uses with respect to landscaping, screening, off-street parking, vehicular and pedestrian circulation, and the compatibility of its physical design with respect to adjacent buildings.

2. Restaurants with Drive-Through Facilities

- A. *Development goals.* Planning goals of the Township are to create a destination community with a strong sense of place, to encourage place-making as part of redevelopment, and to encourage the availability of a variety of healthy eateries. An abundance of businesses with drive-through facilities is counter-productive to these
 - i. B-2, B-3, and TCD Zoning Districts. In the B-2, Community Business District, the B-3, General Business District, and the TCD, Township Center District, drive-through facilities are permitted with special land use approval at restaurants serving food and beverages prepared on-site.
 - ii. B-4 Zoning District. In the B-4, Restricted General Commercial District, all types of restaurants with drive-through facilities are permitted with special land use approval as regulated in this chapter.
 - iii. B-1 Zoning District. In the B-1, Local Business District, Restaurants with drive-through facilities are prohibited.



- B. *Locational criteria.* Only one (1) restaurant with a drive-through facility may be permitted per development site, provided the restaurant is structurally attached to the planned commercial shopping plaza building. However, in no instance shall a planned commercial shopping plaza development site which contains an automobile service station also contain a restaurant with drive-through facility.
- i. Exception. Where it is not feasible to incorporate a restaurant with drive-through facilities attached to a planned commercial shopping plaza due to stacking lane setback, existing building placement, or as determined by the Planning Commission, one (1) free standing restaurant with drive-through facilities may be permitted as an “outbuilding” to a planned commercial shopping plaza development site, subject to the following; if permitted:
- a. It shall be located no closer than five hundred feet (500’) from any other restaurant with drive through facilities regardless of jurisdictional limits. This measurement shall be taken from the closest outer limits of the building/tenant space of the restaurant with drive-through facilities; and
 - b. Parking and ingress/egress shall be designed and shared between the planned commercial shopping plaza and the outbuilding. No independent ingress/egress shall be provided to the free standing restaurant with drive-through facilities.
 - c. The free standing restaurant with drive-through facility shall comply with the stacking lane requirements for placement, setback, and numeral value as described in Section 4.14.2.D and Section 5.9.12 of the Zoning Ordinance.
- C. *Hours of Operation.* For restaurants with drive-through facilities, the accessory drive-through component may only be utilized between the hours of 5:00 AM through 11:00 PM.

- D. *Site Requirements.* The site shall be designed to achieve traffic circulation features both within the site and in relation to access streets that assure the safety and convenience of pedestrian traffic.
- i. Pedestrian connections. Whenever a pedestrian path crosses a drive-through lane and or drive-through stacking lane, the pedestrian crossing shall be emphasized with an alternative paving material (stamped concrete, pavers, ect.). The Planning Commission may way the alternative pedestrian crossing material if it is determined that the layout and design of the pedestrian connection is appropriately designed to minimize potential conflicts between pedestrians and drive-through traffic.
 - ii. Staking Spaces. All restaurants with drive-through facilities shall meet the stacking space requirements listed in [Section 5.9.12, Off-Street Parking Space Layout, Standards, Construction and Maintenance](#), and shall comply with the following:
 - a. All stacking spaces shall be located a minimum of one-hundred fifty (150) feet from any residential zoning district.
 - b. Vehicle stacking areas shall not be located between the building and any street. Stacking areas shall only be permitted on a maximum of two sides of the building. Any stacking area visible from a public street shall be screened with one of the following, placed adjacent to the stacking lane:
 - 1) A year round opaque landscape screen with a minimum height of four (4) feet in height above the surrounding grade, or
 - 2) A hardscape feature having a minimum height of four (4) feet above the surrounding grade such as a decorative screen wall or planter box.
- E. *Building Design Standards.* All restaurants with drive-through facilities shall comply with the following:
- i. Windows. Drive-through windows shall not be located within forty (40) feet of the right-of-way or road easement.



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- ii. Minimum Area. Restaurants with drive-through facilities shall contain a minimum of 2,000 square feet. Fifty (50) percent of the square footage of the restaurant with drive-through facility shall be dedicated to indoor dining/seating areas.
 - iii. Primary Building Materials. Buildings shall be designed with similar architectural character as the planned commercial shopping plaza that they are part of, and shall mainly be comprised of high quality building materials such as brick, stone, cultured stone, decorative wood, integrally colored concrete masonry units (that are similar in appearance to clay brick units), decorative block (e.g. split- or smooth-faced), decorative fiber-reinforced cement siding (such as Hardie board or plank), decorative metal panels, tile, decorative glass, and similar materials as determined to be similar by the Planning Commission. Materials shall be left in their natural state and shall not be painted or otherwise modified, with the exception of siding, stucco, or other similar materials.
 - iv. Secondary Building Materials. Architectural design elements and colors shall only be incorporated as secondary elements to the development and not as the dominate element. Such elements shall be consistent and blend with the larger development area. Materials requiring low maintenance are recommended over high maintenance materials. For instance, materials with integral color are generally recommended over materials that require painting. Non-durable materials such as EIFS shall only be permitted as an accent material, not to exceed 10% of the building facade.
 - v. Colors. All colors shall be harmonious with the character of the site, buildings, and surrounding area, and not used to draw attention, i.e. serve as a sign.
- F. *Signage*. In addition to the permitted signs described in [Section 5.15](#), Signs, each restaurant with drive-through facilities shall be permitted the following additional signs:
- i. Menu Signs. Menu signs shall comply with the following:
 - a. Regardless of the number of drive-through lanes, one menu/information sign shall be permitted per drive-through and may have a maximum height of seven (7) feet and a maximum area of thirty-two (32) square feet. All menu signs shall be monument-style signs with a decorative base at least as wide as the sign.
 - b. Menu signs shall be located in the rear yard only and shall be appropriately landscaped to screen the sign from public rights-of-way and adjacent properties.
 - c. Internally illuminated and externally illuminated menu signs are permitted. Sign lighting shall comply with the regulations of [Section 5.6 Outdoor Lighting](#) of the Zoning Ordinance.
 - ii. Electronic message ordering. Unless a specific waiver is granted by the Planning Commission, the use of electronic message ordering stations shall be prohibited.
 - iii. Directional Signs. Directional signs shall comply with the following:
 - a. Two (2), three (3) square-foot directional signs shall be provided per drive-through use.
 - b. Directional signs may either be ground mounted or wall mounted. Ground mounted directional signs shall not exceed three (3) feet in height.
 - c. The use of illumination on direction signage is prohibited.
3. Drive in Restaurant.
- A. Site Standards. Drive-in restaurants shall comply with the following site standards in addition to other applicable requirements of this chapter:
 - i. Front yard. A front yard setback of at least sixty (60) feet shall be required.
 - ii. Ingress/egress. Points of ingress and egress shall be located at least two hundred fifty (250) feet from the right-of-way of any intersecting street.



4.15 ESSENTIAL SERVICES¹

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention of this section to exempt such essential services from the application of this chapter unless otherwise specified.

4.16 FUNERAL HOMES²

Vehicular entrance to the lot shall be not less than five hundred (500) feet from the intersection of any two (2) major thoroughfares.

4.17 GENERAL HOSPITALS

1. **In the R-O district.** General hospitals are subject to the following conditions:
 - A. All such hospitals shall be developed only on sites consisting of at least twenty (20) acres in area and shall not be permitted on a lot or lots of record.
 - B. The proposed site shall have at least one (1) property line of two hundred (200) lineal feet in length abutting a major or secondary thoroughfare.
 - C. The minimum setback for all main or accessory buildings of thirty-five (35) feet or less in height shall be one hundred (100) feet.
 - D. Buildings in excess of thirty-five (35) feet but not to exceed sixty (60) feet in height may be built, provided that minimum setbacks of two hundred (200) feet are maintained in front yards and where side or rear yards abut an RM or R (residential) district.
 - E. Ambulance and delivery areas shall be obscured from all residential view with an obscuring fence five (5) feet in height. Ambulance ingress and egress to the site shall be directly from a major or secondary thoroughfare.
2. In the M-C district general hospitals are subject to the following conditions:
 - A. The building height shall be limited to three (3) stories with a maximum building height of forty (40) feet except for mechanical equipment, screening, and roof structures providing they do not cover more than twenty (20) percent of the roof area and providing such appliances are adequately screened from view.
 - B. Ambulance and delivery areas shall be obscured from residential view and may, at the discretion of the planning staff, require the use of an obscuring fence. Ambulance

ingress and egress to the site shall be directly from a major thoroughfare.

- C. The minimum setback for a hospital building from any residential zoned property shall be two hundred fifty (250) feet.

4.18 GOLF COURSES AND DRIVING RANGES

Golf courses and driving ranges, nonprofit or profit, but not including "putt-putt" or "mini-golf," subject to the following requirements:

1. The site shall have a minimum of two hundred (200) lineal feet of frontage on an existing or planned major or secondary thoroughfare. All ingress and egress from the site shall be directly onto said thoroughfare (see Section 26-5.2).
2. The use does not produce unreasonable noise or annoyance to surrounding properties. The use of outdoor speakers shall be specifically reviewed by the planning commission to determine the extent of use, location of speakers, and the volume when in use. All proposed outdoor lighting shall be specifically reviewed by the planning commission with attention paid to the impact on adjacent land use and in no case shall such speakers or lights be directed towards residential development.
3. 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 and abutting residential properties. Where no compelling reason exists to the contrary, such structures shall be located as close as possible to the abutting major or secondary thoroughfare and in the center of the lineal frontage.
4. No sale of food or beverages of any kind shall be made outside the clubhouse except for ancillary activities that are customary to the use of the club which shall be reviewed and approved by the planning commission, except to the extent that such sales are currently allowed, if at all.
5. No activities other than golf, except those which are customarily accessory to golf clubs, such as tennis, basketball and swimming pools, shall be permitted outside of the clubhouse and such activities shall be subject to specific approval by the planning commission and shall be located within the clubhouse or in the immediate vicinity of the clubhouse.

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- 6. Winter activities such as skating, cross country skiing, sledding and tobogganing shall be permitted; however, motorized recreational activities such as snowmobiling shall be prohibited.
- 7. Only those business activities directly related to golf or to the operation of a county club, such as social receptions and catering, shall be permitted.

4.19 HOME OCCUPATIONS

- 1. Home occupations are permitted as an accessory use in residential districts in compliance with all of the following:
 - A. Outdoor displays, storage, or signage are not permitted.
 - B. Interior or exterior alterations or construction features related to the home occupation are not permitted.
 - C. Mechanical equipment or machinery not customarily used for domestic or household purposes is not permitted.
 - D. There is no client or customer visitation to the home and the home occupation does not generate parking or traffic in the residential area, except that the use of a residence to give instruction in craft or fine art to a student is permitted pursuant to MCL 125.3204.
 - E. Only commodities produced by the home occupation may be sold from the premises over the internet or transported off-premise for sale or service.
 - F. A maximum of twenty-five (25%) percent of the total floor area is to be used for a home occupation.
 - G. A maximum of two (2) persons may be engaged in the home occupation who shall both reside at the residence.
 - H. The high hazard use sections of the State Construction Code adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501 et seq., and the performance standards of Section 5.11 of this Chapter shall apply to home occupations.
- 2. Noncompliance with the above criteria or requirements imposed by the Zoning Board of Appeals shall constitute an ordinance violation and the home occupation shall be suspended and shall be subject to enforcement pursuant to Section 7.13.

4.20 HOUSING AND KEEPING OF ANIMALS

Housing or keeping of animals is restricted to farms with the exception of domestic animals kept by residents and private stables as provided in Section 4.2, unless the Zoning Board of Appeals grants a specific exception to keep non-domestic animals, in which case the number, type and conditions of confinement for the housing of non-domestic animals shall be specified.

4.21 I-L LIMITED INDUSTRIAL REQUIREMENTS FOR PRINCIPAL USES PERMITTED

Principal uses permitted shall be conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six-foot fence or solid wall. Such wall or fence shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential, office, business or research-office use [see Section 26-5.12].

4.22 MOTELS

- Motels may be permitted subject to the following:
- 1. Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.
 - 2. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
 - 3. In the B-3 and OR-2 districts. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.

4.23 MULTIPLE DWELLINGS OR APARTMENT BUILDINGS

- Multiple dwellings shall be subject to the following:
- 1. Planning commission review and approval of a site plan is required prior to the issuance of a building permit by the building inspector.
 - 2. Subsequent developments of the site shall comply with the approved site plan which may permit single detached dwelling units and attached dwelling units in buildings containing two (2), three (3), four (4) or more residential units subject to the standards contained in Section 3.1.4.D of this chapter.
 - 3. The intent of site plan review for multiple dwellings is to minimize the possibility of adverse effects on adjacent property, and furthermore, to develop proper relationships between development features as they relate



to traffic safety of service roads, driveways and parking areas and also to properly relate principal buildings, accessory buildings and uses and open spaces to one another and to the traffic pattern effective within the surrounding development. Multiple dwellings shall be further subject to the following:

- A. All multiple dwellings shall be served by a public sewer system.
 - B. The proposed site shall have at least one (1) property line abutting a major or secondary thoroughfare and all access shall be directly from said thoroughfare.
 - C. Garages, attached to or as part of the principal buildings, shall be provided for at least one (1) automobile for each unit.
 - D. Where streets providing access to multiple-family developments are to be privately owned, the owner or developer shall provide the township with a right-of-easement for emergency vehicles to use said streets. The owner or developer shall also provide the township with evidence that the maintenance of the streets serving the multiple-family development will be assured, thus avoiding township responsibility in the future. Such evidence shall be approved by the township attorney prior to the issuance of any building permits.
 - E. Roads within a multiple-family development shall be at least twenty-four (24) feet wide (back of curb to back of curb).
4. Accessory buildings and structures shall be permitted, subject to the requirements of [Section 5.1.6](#).

4.24 MUNICIPAL OFFICE BUILDINGS, POLICE AND FIRE STATIONS.

In the R-10, R-12.5, and R-15 districts, municipal office buildings, police and fire stations are subject to the following:

- 1. A minimum of two hundred (200)lineal feet of frontage on an existing or planned major or secondary thoroughfare is required. All ingress and egress from the site shall be directly onto the thoroughfare.
- 2. Such use shall be in character with the neighborhood.

4.25 NEW CAR OFFICE, SALESROOM OR SHOWROOM WHEN COMPLETELY ENCLOSED

In the OR-2 district, such use may include accessory parking and display except no signs or parking permitted in the front yard.

4.26 NURSING AND CONVALESCENT HOMES

Nursing and convalescent homes may be permitted when the following conditions are met:

- 1. A minimum of two hundred (200)lineal feet of frontage on an existing or planned major or secondary thoroughfare is required. All ingress and egress from the site shall be directly onto the thoroughfare.
- 2. The lot for the use shall be at least five (5) acres in area; provided, however, that convalescent homes not to exceed one (1) story or fifteen (15) feet in height are permitted on lots of less than five (5) acres, provided that all yard requirements are met.
- 3. There shall be provided on the site not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements and accessory uses, but shall not include the area covered by main or accessory buildings.
- 4. Four hundred (400) square feet of open lawn or landscaped area shall be provided for each bed.
- 5. A front yard setback of eighty (80) feet shall be provided from the proposed road right-of-way of the thoroughfare. Side and rear yards shall be at least one hundred (100) feet wide.
- 6. Off-street parking may be permitted within the front yard; provided, that not more than fifty (50) percent of the minimum yard setback shall be used for vehicular parking or driveways. Such off-street parking shall be screened by landscape berms in accordance with Section 26-5.13 for any portion abutting a major or secondary thoroughfare or single-family residential district. Such requirement may be waived when it is found that such requirement is not needed to achieve the landscape/screening objective or that it would be contrary to public interest.

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7. Off-street parking may be located within a side or rear yard; provided, that it is not located closer than fifty (50) feet to any adjacent single-family residential district, unless an exception is approved by the planning commission. Such off-street parking shall be screened to indicate berms in accordance with Section 26-5.13 for any portion abutting a major or secondary thoroughfare or single-family residential district). Such requirement may be waived by the planning commission when it is found that such requirement is not needed to achieve the landscape/screening objective or that it would be contrary to public interest.
8. Buildings shall not exceed one hundred seventy-five (175) feet in length unless an exception is approved by the planning commission.

4.27 OPEN-AIR BUSINESS USES

1. Open-air business uses when developed in planned relationship with the B-2 district as follows:
 - A. Retail sales of plant materials not grown on site and sales of lawn furniture, playground equipment and other home garden supplies when not located at the intersection of major and/or secondary thoroughfares.
 - B. Recreational space providing children's amusement park, shuffleboard, miniature golf and other similar recreation, when part of a planned development, and when located at the exterior end of the B-2 district, but not at the intersection of major and/or secondary thoroughfares. All such recreation space shall be adequately fenced on all sides with a four-foot fence.
2. **In the B-4 district.** Open-air businesses are permitted as follows:
 - A. Retail sales of plant materials and garden supplies;
 - B. Retail sales of fruit and vegetables in an open-front building;
 - C. Miniature golf, golf driving range, children's amusement park, and similar recreation facilities when located at the exterior of the district, but not at the intersection of major or secondary thoroughfares;
 - D. Bicycle, motorcycle, trailer or home equipment sales and service.

- E. All open-air businesses shall meet the following conditions:
 - i. The minimum lot area shall be ten thousand (10,000) square feet and the minimum street frontage shall not be less than one hundred (100) feet.
 - ii. Off-street parking areas shall be hard-surfaced with asphalt or concrete.
 - iii. Loudspeakers or public address systems shall not be used between the hours of 6:00 p.m. and 10:00 a.m.
 - iv. All lighting shall be shielded from adjacent parcels or thoroughfares.
 - v. A five-foot obscuring wall shall be provided on those sides abutting a residential district.

4.28 OUTDOOR SALES SPACE FOR VEHICLES OR TRAILERS

Outdoor sales space for sale or rental of new or used automobiles, house, camp or utility trailers subject to the following:

1. All lighting shall be shielded from adjacent residential districts.
2. Ingress and egress to the outside sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
3. Any major repair or major refinishing shall be done within an enclosed building.

4.29 OUTDOOR SEATING AREAS

1. Outdoor seating areas that satisfy the definition of "accessory use" in Section 26-2.1 and all of the standards and requirements in this section shall be allowed on a temporary basis during the period of April 1 to October 31, as an accessory use upon applying for and obtaining a certificate of occupancy and any other related permits for the outdoor seating area as provided in Section 26-7, with the application to include a plot plan and all information necessary to demonstrate compliance with all standards in this section. Continuing compliance with the standards in this section are conditions of every permit and certificate, which may be immediately revoked for violations.



- A. Written documentation of the legal right and property owner's consent to use the outdoor seating area.
 - B. The outdoor seating area must be at grade level and may not occupy an area in excess of twenty (20) percent of the gross floor area of the permitted use.
 - C. The outdoor seating area may not be used for the consumption or service of alcohol.
 - D. No food or beverages may be stored, prepared or sold or offered for sale in the outdoor seating area, with this prohibition applying to vending machines.
 - E. No signs are allowed in the outdoor seating area.
 - F. Any lighting shall be shielded so as to prevent glare to adjacent property, public rights-of-way, and pedestrians.
 - G. No live music, loudspeakers, public address systems or other types of acoustic generators are allowed in or around the outdoor seating area.
 - H. The outdoor seating area must comply with all applicable construction and fire codes and other governmental laws and permit, license or approval requirements under them.
 - I. The outdoor seating area shall be provided with trash receptacles and be regularly maintained in a safe, clean, litter-free and orderly condition.
 - J. The outdoor seating area shall be located at least fifty (50) feet from any residentially zoned property.
 - K. An outdoor seating area may not be located on a sidewalk unless a minimum pathway width of at least five (5) feet, or such greater width as required by the state barrier free design law, is maintained between the outdoor seating area and the edge of the sidewalk and any other structures or objects.
 - L. The hours of the outdoor seating area shall be consistent with the principal use.
 - M. All chairs, benches, tables and other installations that are part of the outdoor seating area shall be of quality, durable material and shall be removed and stored in a legal location and manner during the period from November 1 through March 31.
 - N. Outdoor seating areas in a public sidewalk, road right-of-way or other public property owned or controlled by the township may not be permitted under this section unless township approval is first obtained as provided in chapter 20 or other provision of the this Code.
2. Outdoor seating areas that do not satisfy and are not allowed as accessory uses under Section 26-4.29.1 require site plan review and approval by the planning commission, which in addition to other applicable site plan review criteria, standards and conditions, shall include the following:
- A. The outdoor seating area shall not exceed twenty (20) percent of the gross floor area of the principal business, however, the planning commission may require a lesser area based on factors including, but not limited to, safety of customers, aesthetics, and pedestrian and vehicular circulation.
 - B. Sufficient parking is provided to accommodate the outdoor seating area with such parking calculated on the same basis as that of the principal use.
 - C. All required township, county and state permits, licenses and approvals shall be secured prior to any site plan approval or amendment being effective.
 - D. The property owner shall enter into a written maintenance agreement acceptable to the township attorney assuring upkeep and maintenance of the outdoor seating area.
 - E. The sale and service of alcoholic beverages shall be in conformance with the rules of the state liquor control commission.
 - F. Outdoor seating areas in a public sidewalk, road right-of-way or other public property owned or controlled by the township may not be permitted under this section unless approval is first obtained as provided in chapter 20 or other provision of the this Code.
 - G. Standards in Section 26-4.29.1 that the planning commission does not waive or modify. The standard in Section 26-4.29.2.F, which is identical to Section 26-4.29.1.N above, may not be waived or modified by the planning commission.

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4.30 PARKING AND/OR STORAGE OF VEHICLES, TRUCKS, TRAILERS, EQUIPMENT, MERCHANDISE, VEHICLES, AND VEHICLE REPAIR ON RESIDENTIALLY ZONED PROPERTY.

1. Passenger vehicles. The parking of licensed, operative passenger vehicles including cars, vans, pick-up trucks, sport utility vehicles, and cross-over vehicles is permitted on residentially zoned property.
2. Non-passenger vehicles. The parking and/or storage of the following non-passenger trucks and vehicles is prohibited on residentially zoned property, unless the vehicle is housed entirely within an enclosed structure: delivery, box, flatbed, platform, panel, refrigerator, tow, dump, garbage, stake, and cube trucks; transport vehicles, tractor units, cab forward, semi-tractors with or without trailers; buses and limousines. The parking of non-passenger vehicles used by contractors, service, and delivery persons while servicing a residence are permitted for the time period of the service only.
3. Unlicensed or inoperative vehicles. The parking and/or storage of unlicensed or inoperative vehicles on residentially zoned property is prohibited unless housed entirely within an enclosed structure.
4. Trailers. The parking and/or storage of an open or enclosed trailer is prohibited on residentially zoned property unless i) housed entirely within an enclosed structure; or ii) is a watercraft or recreational trailer stored in compliance with the provisions of Chapter 10, Article IV. Trailers used by contractors, service, and delivery persons while servicing a residence are permitted for the time period of the service only.
5. Equipment. The parking and/or storage of earth moving equipment, landscape equipment, mobile cranes, or construction equipment is prohibited on residentially zoned property unless housed entirely within an enclosed structure. Such equipment used by contractors, service, and delivery persons while servicing a residence are permitted for the time period of the service only.
6. Seasonal parking. The parking and/or storage of passenger vehicles equipped with snow plows or salt spreaders is permitted on residentially zoned property during the time period from November 1 to April 1.

7. Merchandise. The outdoor storage of new and/or used merchandise for sale and/or distribution is prohibited on residentially zoned property.
8. Parking on residential lawns. The parking and/or storage of a motor vehicle on a residential lawn is prohibited.
9. Vehicle repair. The repair of any vehicle for payment is prohibited on residentially zoned property.
10. Vehicle parts. The storage of vehicle parts for use in the repair of a vehicle for payment is prohibited on residentially zoned property.
11. Watercraft; recreational vehicles; recreational units. The parking and/or storage of watercraft, recreational vehicles, and recreational units on residential property is regulated by Chapter 10, Article IV.

4.31 PARKS, PICNIC GROVES, OR SIMILAR FACILITIES FOR OUTDOOR RECREATION

1. **In the R-10, R-12.5 and R-15 districts,** land may be used for privately owned and operated parks, picnic groves or similar facilities for outdoor recreation subject to the following:
 - A. Such use may not be operated for profit.
 - B. The use shall not impair the natural appearance of such land or tend to produce unreasonable noise or annoyance to surrounding properties; and
 - C. No use shall be made of any open land or water for boat liveries or commercial bathing beaches.
2. **In the REC district,** Publicly or privately owned and operated parks, picnic groves, nature trails, athletic fields and game courts shall meet the following requirements:
 - A. Such uses shall have spectator seating of less than one hundred (100) persons per field and shall exclude any athletic field or court lighting for night play.
 - B. Playgrounds, botanical gardens, woodland preserves, wildlife sanctuaries, bird sanctuaries, arboretums or similar facilities for outdoor recreation are permitted provided, that such use does not unreasonably modify the natural appearance of such land or tend to produce unreasonable noise (outdoor speakers shall not be permitted) or annoyance to surrounding properties; and
 - C. Provided further, that no use shall be made of any open land or water for boat liveries or commercial bathing beaches.



4.32 PLACES OF WORSHIP

In the **R-10, R-12.5 and R-15 districts**, places of worship are subject to the following:

1. A minimum of two hundred (200) lineal feet of frontage on an existing or planned major or secondary thoroughfare is required. All ingress and egress from the site shall be directly onto the thoroughfare.
2. A minimum setback from side and rear lot lines of fifty feet (50') from the principal building.

4.33 PRIVATE CLUBS OR LODGE HALLS

1. In the **B-1, B-2, B-3 and B-4 districts**, private clubs or lodge halls subject to the following:
 - A. The minimum setback for all buildings shall be fifty (50) feet from any residential district and the minimum setbacks for any swimming pool shall be one hundred (100) feet from any residential district.
 - B. All activities other than parking of motor vehicles and loading or unloading shall be conducted within a completely enclosed building, except for outdoor activity specifically approved by the board of appeals.
2. In the **O-2 district**, private clubs or lodge halls, tennis or racquet court facilities are permitted subject to the following:
 - A. Any swimming pool or tennis or racquet court building shall have minimum setback of one hundred (100) feet from any residential district. All other buildings shall have a minimum setback of fifty (50) feet from any residential district.
 - B. All activities other than parking of motor vehicles and loading and unloading shall be conducted within a completely enclosed building except for outdoor activity specifically approved by the planning commission after a hearing held in accordance with Section 26-6.3.

4.34 PRIVATE (NONPROFIT) SWIMMING POOL CLUB

In the **R-10, R-12.5 and R-15 districts**, private (nonprofit) swimming pool clubs subject to the following requirements:

1. The pool shall be permitted on a lot or lots of record provided that a petition shall be submitted to the planning commission indicating concurrence with the use by one hundred (100) percent of the property owners immediately abutting the site and sixty-five (65)

percent of the owners of property within three hundred (300) feet of any property line of the site.

2. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one (1) property line abutting a major or secondary thoroughfare and the site shall be so planned as to provide ingress and egress directly onto the thoroughfare.
3. A plot plan, drawn to scale, shall be submitted showing the location of the premises on which the club pool and related recreational facilities are to be situated, the dimensions and area of such proposed premises, and the location of all residences and other buildings and structures and public streets abutting such premises. Such plot plan shall include the sizes and location of all driveways and parking areas to be located on the proposed site.
4. A detailed statement giving the size, depth and capacity of all pool facilities.
5. A certified copy of the articles of incorporation and bylaws of the private swimming pool club or organization shall accompany the application as hereinbefore required in order to establish the total or proposed membership, whichever is the larger, and to thereby compute the parking requirements.
6. The minimum site for a club pool shall be two (2) acres. Front, side and rear yards shall be landscaped in trees, shrubs and grass. All such planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. Yards abutting a residential street or a secondary thoroughfare shall be at least fifty (50) feet wide. Yards abutting a major thoroughfare or a nonresidential zone shall meet the minimum required for residential uses within the district. Yards not abutting roads and abutting residentially zoned land shall be a minimum of eighty (80) feet wide. No structures, recreation facilities of any kind or off-street parking shall be allowed to locate within the yards as required above. The requirements of this paragraph may be modified by the planning commission when in its judgment no adverse effects will be suffered by surrounding or adjoining properties.
7. Buildings erected on the premises shall not exceed one (1) story in height, except where due to topography, a lower level shall be permitted when such lower level is entirely below the grade of the thoroughfare abutting the parcel in question.

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- 8. Whenever a swimming pool is constructed under this chapter, the pool area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate.
- 9. Prior to the approval of a private (nonprofit) swimming pool club, the planning commission shall hold a hearing in accordance with Section 6.3.

4.35 PRIVATE RECREATIONAL AREAS, INSTITUTIONAL OR COMMUNITY RECREATION CENTERS, COMMUNITY BUILDINGS OR SOCIAL CLUBS

Private recreational areas, institutional or community recreation centers, community buildings or social clubs are subject to the following conditions:

- 1. The site shall have a minimum of one hundred (100) lineal feet of frontage on an existing or planned major or secondary thoroughfare. All ingress and egress from the site shall be directly onto said thoroughfare (see Section 26-5.2) and as close as possible to the middle of the frontage along said thoroughfare.
- 2. Buildings shall not exceed one (1) story or sixteen (16) feet in height on parcels of less than twenty (20) acres.
- 3. A front yard setback of one hundred fifty (150) feet shall be provided from the proposed road right-of-way of the thoroughfare. All buildings shall be set back at least one hundred fifty (150) feet from any abutting single-family residential district.
- 4. Off-street parking may be permitted within the front yard; provided that not more than fifty (50) percent of the minimum yard setback shall be used for vehicular parking or driveways.
- 5. Off-street parking may be located within a side or rear yard; provided, that it is not located closer than fifty (50) feet to any adjacent single-family residential district.
- 6. Buildings shall not exceed one hundred seventy-five (175) feet in length, unless an exception is approved by the planning commission, where the commission is satisfied that the buffering provided to the adjacent residential zone, the location of the building on the site, or other site plan details reduce the impact of the added building length.
- 7. An outdoor swimming pool shall be permitted in the rear yard only and shall be located at least one hundred fifty (150) feet from any adjoining residential district.

- 8. Off-street parking shall be established and based on the number of persons which can be accommodated within the facility. Unless other specific and binding limitations are approved by the planning commission, the following provisions for occupancy and parking shall be established: not more than one (1) parking space for each one thousand five hundred (1,500) square feet of parcel area and occupancy limited to not more than one (1) person for each five hundred (500) square feet of parcel area.
- 9. The hours of operation shall be established and reviewed by the planning commission except as provided in Section 26-3.6.9. When not in use, the facility shall be secured in such a way as to prevent unauthorized use.
- 10. The manner of refuse collection, storage, and removal shall be part of the site plan approval and dumpsters shall be screened.
- 11. The use of outdoor lighting, outdoor speakers, and accessory activities such as snack bars, picnic areas, and sanitary facilities shall be part of site plan approval and shall be located and operated as to not create an unreasonable nuisance or annoyance to surrounding properties. In no case shall such speakers or lights be directed towards residential development.

4.36 PUBLICLY OR PRIVATELY OWNED SWIMMING AND WADING BEACHES

Publicly or privately owned swimming and wading beaches as a principal use or an accessory use to a permitted use herein. The planning commission in site plan review shall consider that lakes located within the township are small and developed residentially, and that it is the purpose of this section to allow use of the lakes but to control use in such a way that the character of residential areas will not be disturbed. Waterfront parks that are created through site plan approval as part of a residential development, such as cluster or multiple-family site plans, shall be excluded from this provision, as will the use of such parks that are controlled by open space agreements and other provisions established at the time of site plan or subdivision approval. It is further the intent of this provision to prevent the overcrowding of the lake surface and to limit the intensity of activities on the lake surface so that lake use is safe and the negative impact on the lake environment is minimal. In order to carry out these desires, the following conditions shall be met:



1. The site shall have a minimum of two hundred (200) lineal feet of frontage on an existing or planned major or secondary thoroughfare. All ingress and egress from the site shall be directly onto said thoroughfare (see Section 26-5.16) and as close as possible to the middle of the frontage along said thoroughfare. The township may consider sites having only collector or local road frontage where it can be exhibited that the number of persons using the site and the vehicular traffic generated will not create congestion at the site or at nearby intersections.
2. The site shall have water frontage of not less than four hundred (400) feet; unless it is found by the planning commission that less than four hundred (400) feet of frontage can accommodate a proposed use in a manner which prevents unreasonable noise or annoyance to surrounding properties.
3. A greenbelt buffer shall be provided where the site is abutting a residential district. The buffer shall be heavily planted in trees and shrubs so as to be completely obscuring and to prevent unreasonable noise or annoyance to surrounding properties.
4. The beach area shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate.
5. The off-season storage of nonmotorized boats and other outdoor recreation equipment (i.e.: picnic tables, grills, docks), which is owned by the agency operating such facility, shall be the only storage permitted. Such storage shall be in an upland area and must be stored in a manner which allows for natural screening from adjacent residential areas and shall not obstruct the view from adjacent residential areas.
6. The hours of operation shall be established and reviewed by the planning commission, except as provided in Section 26-3.6.9. When not in use, the facility shall be secured in such a way as to prevent unauthorized use.
7. The manner of refuse collection, storage and removal shall be part of the site plan approval and dumpsters shall be screened on all sides.
8. The use of outdoor lighting, outdoor speakers, and accessory activities such as snack bars, picnic areas and sanitary facilities shall be part of site plan approval and shall be located and operated as to not create an unreasonable nuisance or annoyance to surrounding properties. In no case shall such speakers or

lights be directed towards residential development.

9. The number of persons permitted to be accommodated within this park shall be limited to not more than one (1) person for each five hundred (500) square feet of park area and parking spaces shall be limited to not more than one (1) space for each one thousand five hundred (1,500) square feet of park area.

4.37 PUBLICLY OWNED AND OPERATED LIBRARIES, PARKS, PARKWAYS AND RECREATIONAL FACILITIES

In the in the R-10, R-12.5 and R-15 districts, the uses are subject to the following:

1. A minimum of two hundred (200) lineal feet of frontage on an existing or planned major or secondary thoroughfare is required. All ingress and egress from the site shall be directly onto the thoroughfare.
2. A minimum setback from side and rear lot lines of fifty (50) feet for the structure.

4.38 PUBLIC RIDING AND/OR BOARDING STABLES

Public riding and/or boarding stables may be permitted on unsubdivided parcels of not less than forty (40) acres.

1. A minimum of two hundred (200) lineal feet of frontage on an existing or planned major or secondary thoroughfare is required. All ingress and egress from the site shall be directly onto the thoroughfare.
2. Stables, paddock areas for instruction or paddock areas for the confinement of horses near stables shall be at least three hundred (300) feet from any property line.
3. Bridle paths and all other riding areas shall be confined to the site of continuous acreage.
4. Adequate off-street parking shall be provided on the site.
5. Lighting for exterior illumination shall be directed away from and shall be shielded from adjacent residential districts.
6. A plot plan drawn to scale, designating all of the above areas, shall be submitted to the board of appeals.

4.39 REPEALED

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4.40 RETAIL AND PERSONAL SERVICE USES

In the **OR-1** district, retail and personal service uses shall be permitted on the first floor of a multiple-story office building when such retail uses are limited to the following nature of uses:

1. Personal service establishments which perform services on the premises, including barbershops, beauty parlors, tailor shops and photographic studios, or an establishment whose activity is, in the opinion of the planning commission, similar.
2. Retail businesses which supply commodities on the premises, including millinery shops, clothing shops, drugs, interior decorating shops, shoe shops, flower shops, notion, gift shops, or a business whose activity is, in the opinion of the planning commission, similar.

4.41 RESERVED

4.42 RETAIL USES IN OR-2

1. Retail uses may be considered for special use approval when such uses exhibit traffic characteristics that are substantially less congestive than the permitted uses in the OR-2 district, but in no instance shall the parking ratio to usable floor area be greater than one (1) parking space per each four hundred (400) square feet of usable floor area.
2. Industrial uses and wholesale establishments shall not be eligible for special use consideration under this provision.
3. Special retail uses shall not be permitted within a freestanding structure but shall be part of a principal use structure. Signs for special retail uses, notwithstanding the provisions of Section 26-5.15 will be limited to wall signs only, shall not exceed one (1) square foot of signage for each linear foot of building frontage and no single sign shall have an area greater than one hundred (100) square feet for that part of the principal structure.

4.43 RETAIL USES WHICH HAVE AN INDUSTRIAL CHARACTER

Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities such as, but not limited to, lumberyards, building material outlet, upholsterer, cabinet maker, outdoor sales of boats, house trailers, automobile garage sales or agricultural implements or to serve convenience needs of the

industrial district, such as but not limited to eating and drinking establishments, bank, savings and loan association, credit union, automobile service station, motel or bowling alley, trade or industrial school or industrial clinic, provided that such convenience retail use shall be located on an internal industrial street and not about a major or secondary thoroughfare.

4.44 SAND GRAVEL, TOPSOIL, ORE AND MINERALS

1. No person shall mine, excavate or otherwise remove from any land in the township any sand, gravel, topsoil, ore or any other minerals except oil or natural gas; provided, that sand, gravel, topsoil or any other mineral may be removed from land if done in connection with and incidental to bona fide grading operations being performed as part of a plan to fit such land for a specific use permitted by this chapter and such operations have been approved by the zoning board of appeals and are being performed in accordance with such reasonable conditions as the zoning board of appeals shall impose.
2. The following conditions shall be imposed as a minimum by the board of appeals:
 - A. Execute and file with the township clerk a bond to the township with a surety company authorized to do business in the state as surety in a penal sum of two thousand dollars (\$2,000.00), conditioned that the applicant conform to the provisions of this chapter.
 - B. The applicant will maintain a grade of twelve (12) inches above the existing crown of any road adjacent to or abutting the property.
 - C. The applicant will sow seed and establish a sod immediately after removal to maintain a stable surface on the land.
 - D. File with the township clerk an agreement in writing between the owner and owners of the land, their heirs, administrators, executors and assigns, authorizing the township through its agents or officials to enter upon the property for inspection and compliance with the conditions of the bond.
 - E. It shall be the duty of the building inspector to make weekly inspections of such property to determine whether the permit holder is complying with the requirements



of this chapter. If the building inspector shall find that any of the conditions upon which the permit was issued are not being fulfilled he shall forthwith serve upon the permit holder, his servants or agents and his surety, a notice setting forth the violation claimed and directing him to remedy the conditions complained of within ten (10) days from the date of the notice.

- F. If the conditions are not remedied within ten (10) days the building inspector shall post on the property a notice of revocation of the permit and shall send a copy of the notice by registered mail to the former permit holder at his last known address. Within five (5) days of the posting of the
- G. notice and the mailing of the copy thereof, the township, through its officers, agents or employees, may enter upon the property and remedy the conditions complained of in the notice and surcharge the surety with the full cost thereof.
- H. Within the ten (10) days after service of the notice above provided as to non-fulfillment of conditions, the permit holder may request a hearing before the board of appeals in writing, stating the reasons for the hearing which must be based upon a charge that the building inspector has failed to state conditions of non-fulfillment of duties required by this chapter. Filing of request for a hearing before the board of appeals shall suspend the running to the ten (10) days for remedy of failure to fulfill conditions upon which the permit was issued, until after the decision of the board of appeals. If the board of appeals should decide against the permit holder, then the permit holder shall be allowed ten (10) days to remedy the conditions from the date of mailing of the decision of the appeal board to the last known address of the permit holder by registered mail. In default thereof, the township shall proceed to remedy the conditions as above provided.
- I. Suit may be brought against the principal and surety on the bond within one (1) year for such sums as the township has incurred for the fulfillment of the condition of the bond.

4.45 SENIOR INDEPENDENT LIVING

- A. Senior Independent Living shall comply with all multiple family regulations of Section 3.6.1, RM Multiple Family; and all regulations set forth in [Section 4.23](#), Multiple Dwellings or Apartment Buildings.
- B. A minimum of 2.5 parking spaces per bedroom shall be provided; one of which is required to be in an attached garage. The Planning Commission may modify the parking requirement if the applicant demonstrates that the need for parking is less.
- C. In the MC, Medical Campus District, a Senior Independent Living use may be permitted with special land use approval, provided that the Senior Independent Living use is a component of a development that also includes a Senior Assisted Living component and/or a Nursing and Convalescent Home component.

4.46 SENIOR ASSISTED LIVING FACILITY

Senior assisted living facility is comprised of living units designed for single or double occupancy with kitchen and dining accommodations that are provided in a central area and not located within the individual living units. A senior assisted living facility is not a type of multiple-family housing because it does not provide apartment style individual dwelling units. A senior assisted living facility shall comply with the following standards:

- A. Compatibility. The location, size, design, and operating characteristics of the use will be compatible with the character of the surrounding neighborhood with consideration given to the scale, bulk, coverage, and density of development; to the availability of services and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impacts of the use.
- B. Frontage. A minimum of two hundred (200) lineal feet of frontage on an existing or planned major or secondary thoroughfare is required. All ingress and egress from the site shall be directly onto the thoroughfare.
- D. Minimum site area. The parcel size shall be a minimum of five (5) acres exclusive of rights-of-way which have been recorded and dedicated.

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E. Project density. The minimum net usable site area requirements for purposes of calculating density shall be two thousand (2,000) square feet per bed. In the determination of density, on parcels which contain wetlands or floodplains or both, the following shall apply:

- i. When the wetland or floodplain or both does not comprise fifty percent (50%) of the parcel, twenty-five percent (25%) of this land may be included in acreage for computation of density.
- ii. When the wetland or floodplain or both comprise fifty percent (50%) or more of the parcel, a twenty-five percent (25%) density increase may be permitted on the remaining lot.
- iii. No density credit will be allowed for any bodies of water on the parcel, even if the entire shoreline is within the parcel to be developed.

E. Perimeter setbacks: The minimum yard setbacks from the perimeter property boundaries shall be no less than fifty (50) feet from any public road right-of-way, seventy-five (75) feet from any adjacent property zoned for single-family residential, and fifty (50) feet from all other property lines.

F. Internal spacing: Minimum spacing between buildings shall be in accordance with the following requirements. The planning commission, in their sole discretion, may reduce building spacing requirements where enclosed, heated walkways are provided and applicable building and fire code requirements are met.

Distance between Buildings	Feet
Side / Side orientation	30
Side / Front, Side/Rear orientation	30
Front/Front, Front/Rear, Rear/Rear orientation	60

G. Minimum floor area: Each sleeping room or suite shall include a bathroom with shower, a closet and a suite bar providing a sink with counter and cabinets, small refrigerator and microwave oven and shall comply with the following minimum floor area requirements. In order to provide variation in the size of units offered to prospective residents, at least fifty (50%)

percent of the sleeping rooms or suites shall be at least thirty (30%) percent larger than the minimum floor areas. The minimum floor area shall be no less than three hundred fifty (350) square feet for a sleeping room.

H. Building design: No building shall exceed two hundred (200) feet in overall length, measured along any continuous elevation. The planning commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.

i. Architectural interest shall be provided through the use of repeating patterns of change in color, texture and material. All assisted living facilities shall utilize residential exterior materials and design features.

ii. All roofs shall be sloped with a pitch of no less than 5:12. There shall be variations in roof lines to reduce the scale of the building and add interest.

iii. The senior assisted living facility shall be so designed as to provide a minimum of seven hundred fifty (750) square feet of building per sleeping room. A minimum of twenty (20%) percent of the total building area shall be dedicated to support and activity areas for the residents. The corridors and sleeping rooms shall not be considered support and activity areas, although seating or gathering areas served as part of a corridor may be included as an activity area.

iv. Corridors used by the residents shall have a minimum width of six (6') feet and this minimum width shall not be maintained for more than twenty-two (22') feet in any section of corridor before expanding to a width of not less than eight (8') feet for a distance of not less than ten (10') feet.

I. Building height: The maximum building height shall be thirty-five feet (35') in height and a maximum of two (2) stories.

J. Maximum coverage: The maximum coverage of the site by buildings shall be limited to thirty percent (30%) of the net site area after the dedication of road right-of-way in compliance with the township master plan.



- K. Lighting: All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and safety of persons using such areas, in accordance with the requirements set forth in [Section 5.6](#).
- L. Landscaping and screening: Senior housing developments shall be landscaped and screened in accordance with [Sections 5.12, 5.13, and 5.14](#).
- M. Resident and emergency access: The drop off/pickup of residents shall be provided at the front entrance of the building with a covered canopy. Access to all entry/exit doors and all sides of a building shall be provided in a manner acceptable to the planning commission, based on a recommendation from the fire department.
- N. Open space/recreation: Open space and recreation shall be provided in accordance with the following requirements:
 - i. Total landscaped open space required shall be a minimum of fifteen (15) percent of the site.
 - ii. Recreation facilities including paved walkway and covered sitting areas shall be provided in a manner which meet the needs of the resident population.
- O. Parking and loading: Off-street [parking] and loading shall be provided in accordance with Sections 5.8 through 5.10. The loading area shall be located in side and rear yard areas only, screened from the view of any public thoroughfare and adjacent residential area and designed in a manner which is appropriate for the function and vehicles it is intended to serve.
- P. Resident services. Resident services shall include twenty-four (24) hour resident care provided by persons trained and capable of assisting residents consistent with the resident's service plan. Service plans shall include meals, security, and housekeeping, and may include daily personal care, medication assistance, transportation, and other support services. Resident services shall be offered solely to residents, shall be contained within the principal building, and shall be strictly accessory to the principal use as a senior assisted living facility. Resident services include, but are not be limited to: congregate dining;

housekeeping; security; health care; daily personal care; medication assistance; transportation; private meeting rooms; and social, recreational, and educational facilities and programs.

- Q. Certification of care. The application submitted to the township shall include a notarized certification specifying the nature of care required under applicable State law to be afforded to residents of the proposed assisted living facility, and shall enumerate the resident services that are available under each of the resident service plans offered at the facility. This information is to be submitted for informational purposes. The township will not review this information for the purpose of determining the adequacy of the care being proposed.

4.47 TEMPORARY STRUCTURES

1. Construction Trailers

Trailers and/or temporary structures and temporary uses primarily for the temporary storage of equipment or materials or for other temporary construction purposes including but not limited to the construction of residential developments, non-residential structures, institutional structures, roads, sewers, water mains or other public utilities or public work shall be permitted by the Building Official as follows:

- A. The trailer shall be appropriately screened and skirted.
- B. Temporary landscape elements such as potted plants shall be provided for the trailer and the trailer site.
- C. One (1) wall or ground sign identifying the use of the trailer shall be permitted. Such sign shall not exceed twenty-five square feet.
- D. Any lighting shall not interfere with traffic or be hazardous to drivers in the vicinity and shall be subject to the lighting requirements of [Section 5.6](#).
- E. When such above-described trailers and/or temporary structures and temporary uses are to be located off the construction site, The Building Official may impose additional requirements deemed necessary to protect the public's health, safety, and environment.

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- F. A permit fee and bond shall be deposited with the Township prior to the issuance of a permit.
 - i. The bond shall be in an amount sufficient to restore the property after the use is completed.
 - G. A separate permit shall be required for each structure or construction trailer and for each parcel of property upon which a temporary use is being constructed.
 - H. All permits shall expire thirty (30) days after construction is completed, but no permit shall be valid for a period of more than one (1) year.
 - i. The construction trailer and area surrounding the construction trailer shall be maintained in a neat and orderly fashion, clear of all debris and rubbish.
2. Temporary Sales Trailers
- Temporary sales trailers for new residential developments may be permitted by the building official when located within a development site, subject to the following conditions:
- A. Not more than one (1) temporary sales trailer shall be permitted for each new single-family residential development.
 - B. Site improvements, including, but not limited to, the installation of sewer, water, roads and other utilities, shall be completed and dedicated (for the phase or approved portion of the development) prior to the approval and use of a temporary sales trailer.
 - C. A permit shall be required for the use of a temporary sales trailer. The duration of the permit shall be the shorter of the following: until the construction and final inspection of a model home to be used for sales purposes; or until the expiration of six (6) months from the date of permit issuance. A permit for one (1) additional three (3) months may be issued upon review and approval of the building inspector if it is demonstrated that there is good cause for the failure to complete construction of a model home for sales purposes within the initial six-month period.
 - D. A permit fee and bond shall be deposited with the Township prior to the issuance of a permit.
 - i. The bond shall be in an amount sufficient to restore the property after the use is completed.

- E. The trailer shall be appropriately screened and skirted.
 - F. Temporary landscape elements such as potted plants shall be provided for the trailer and the trailer site.
 - i. It is the responsibility of the property owner to maintain the landscaping installed so that it is healthy, neat and orderly in appearance and is free from refuse and debris.
 - G. In addition to the real estate development sign regulations of Section 5.15.4.D, one (1) wall or ground sign identifying the residential development and use of the trailer may be provided on the lot where the trailer is located subject to the following:
 - i. The use of sign illumination shall be prohibited.
 - ii. The sign shall not exceed twenty-five (25) sq. ft.
 - iii. If a monument/ground sign is used, the sign shall be placed within fifteen (15) ft. of the sales trailer and shall not obstruct vehicular or pedestrian traffic. Such monument/ground sign shall comply with the corner clearance provisions of [Section 5.3](#).
 - H. Any trailer mounted lighting shall not interfere with traffic or be a hazard to drivers in the vicinity and shall not be used for the illumination of any sign.
 - I. A temporary driveway and parking area with a minimum of five (5) parking spaces shall be provided on the trailer site. The driveway and parking area shall be surfaced at a minimum with gravel or other similar material.
3. Existing Structures/Uses During Construction
- When construction involves the demolition and termination of existing structures on a development site, the existing structures and uses may continue during the construction process, subject to the following:
- A. The new development on the site will not prevent or inhibit the use and operation of the existing structure(s).
 - B. A bond is posted for the demolition of the existing structures. The bond shall be determined based on a value of construction for the structures to be demolished. All bonds shall be paid prior to the issuance of any permit.



- C. The continued use of existing structures shall not create a situation that will result in a detriment to public health, safety, and welfare as determined by the Fire, Building, or Planning Departments; including ensuring there is adequate fire protection and access to the site.
 - D. The temporary building or structure shall be removed prior to the issuance of a Certificate of Occupancy.
4. Temporary Structures/Use
- Except as specifically mentioned above, all other proposed temporary structures/uses are prohibited unless an administrative site plan is submitted and approved by the Planning Department as referenced in [Section 6.1](#). In reviewing a request for a temporary structure/use, the Planning Department shall examine the following:
- A. The location, placement, and size of the proposed structure in relationship to the parcel/lot or development site.
 - B. The existing zoning district and proposed use of the temporary structure/use.
 - C. The impact of the structure on traffic, light, public health, safety, and welfare of citizens, surrounding residences, and surrounding businesses.
 - D. The duration of time needed for the proposed temporary structure/use.
 - i. In no case shall temporary structures or uses exceed six (6) months. In unique circumstances as determined by the Planning Department, a maximum of two (2), three (3) month extensions may be granted for the proposed structure/use.
 - 1. In no case shall a temporary structure or use be permitted for more than twelve (12) months within any eighteen (18) month period.

4.48 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT

The uses referred to in this section possess unique characteristics making it impractical to include them in a specific use district classification. They may be permitted by the board of appeals under the conditions specified following public hearing. In every case, the uses referred to in this section shall be specifically prohibited from any R-10, R-12.5, R-15, and RM districts. These uses require special consideration since they service an area larger than the township and require sizable land areas,

creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this section is as follows:

1. Outdoor theaters. Outdoor theaters possess the unique characteristic of being used only during darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they may be permitted in a B-3 district only when the site in question abuts an I-L district. Outdoor theaters shall further be subject to the following conditions:
 - A. The proposed internal design shall receive approval from the building inspector and the township engineer as to adequacy of drainage, lighting and other technical aspects.
 - B. Points to ingress and egress shall be available to the outdoor theater from abutting major thoroughfares (one hundred twenty (120) foot right-of-way or greater), and shall not be available from any residential street.
 - C. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
2. Commercial television and radio towers, public utility microwaves, public utility TV transmitting towers. Radio and television towers, public utility microwaves and public utility TV transmitting towers, and their attendant facilities, shall be permitted in R-O and I-L districts provided the use shall be located centrally on a parcel having a dimension equal to the height of the tower measured from the base of the tower to all points on each property line.
 - A. Trailer courts. Trailer courts may be permitted in B-3 general business districts by the board of appeals after having received the recommendation of the planning commission and after it finds the use as not being contrary to the spirit and purpose of this chapter, and subject further to the following requirements and conditions: Height, area, bulk and yard requirements:
 - i. An open area shall be provided on each mobile home lot to ensure privacy, adequate natural light and ventilation to each home and to provide sufficient area for outdoor

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uses essential to the mobile home. Trailer coach sites shall contain a minimum area of at least six thousand (6,000) square feet. All such trailer site areas shall be computed exclusive of service drives, facilities and recreation space.

- ii. The sum of the side yards at the entry side and non-entry side of a mobile home stand shall be not less than twenty (20) feet; provided, however, there shall be a side yard of not less than fifteen (15) feet at the entry side of the mobile home stand and a side yard of not less than five (5) feet at the non-entry side of the mobile home stand. There shall be a rear yard of not less than ten (10) feet at the rear end of the stand and a front yard of not less than twenty (20) feet at the front end of the mobile home stand. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimums above are maintained at all points in the side yard.
- iii. No mobile home shall be located closer than fifty (50) feet to the right-of-way line of a main public highway, or twenty (20) feet to the mobile home park property line.
- iv. No building or structure erected or altered in a mobile home park shall exceed one (1) story or fourteen (14) feet.

- B. Access. The trailer court shall have access to a major thoroughfare by directly abutting thereon.
- C. Notice. Prior to public hearings on the proposed trailer court, notification shall be given by the applicant by registered mail, return receipt requested, of the proposal for the trailer court and the date, time and place of public hearing to all parties owning properties and/or residing within one thousand (1,000) feet of the proposed trailer court.
- D. Compliance with state law. All trailer court developments shall further comply with Act No. 243 of the Public Acts of Michigan of 1959 (MCL 125.1001 et seq., MSA 5.278 (31) et seq.), as amended.
- E. Reserved.
- F. Roadways, parking, walkways and apron.

- i. There shall be roadways in each trailer park constructed under this chapter reaching to each trailer space therein which roadways shall be hard surfaced and not less than thirty-two (32) feet in width.
 - ii. Parking spaces shall be provided in accordance with Section 26-5.8. A sixteen-foot-wide open and clear space shall be maintained on all streets at all times for the passage of fire apparatus.
 - iii. The trailer park walk system shall include a thirty-inch concrete walk from the entrance of each trailer to service facilities.
 - iv. Each trailer space or site shall be provided with a concrete apron or concrete ribbons, not less than twenty-four (24) inches wide, upon which the trailer shall be located.
 - v. In order to eliminate the presence of rodents in any trailer park, all mobile homes where skirting is installed and all enclosed structures, whether or not attached to the mobile home, shall be placed or rested upon a solid concrete slab not less than four (4) inches thick, which slab shall be at least of the same length and width as the mobile home or structure.
- G. Plumbing and water supply.
- i. Only trailers with approved National Underwriters toilets and plumbing fixtures shall be permitted for occupancy of more than one (1) three-month period in a single calendar year.
 - ii. Plumbing fixtures shall be connected into a public sanitary sewer or township-approved facilities, and shall meet the requirements of the county health department and the plumbing code of the state.
 - iii. Running water from a public or state tested and approved water supply shall be piped to each trailer and shall be adequately protected from frost.
- H. Fuel and gas supply. All fuel oil and all gas tanks shall be located on each trailer site in a uniform manner. All tanks shall be of an approved type to comply with building code standards and shall be equipped with vent pipes and with fused valves. All tanks shall be elevated on noncombustible



stands and placed on a concrete base, and painted a uniform color.

- I. Electricity and lighting.
 - i. All electric lines leading to such trailer space shall be underground, and shall be provided with a three-wire balanced 115-220 volt supply. When separate meters are installed, each meter shall be located on a uniform standard post on the lot line of each trailer space. Wiring shall comply with the recommended Detroit Edison standards for trailer coach parks.
 - ii. Street and yard light, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps and ramps.
- J. Fire hydrants. Fire hydrants of a size and a pressure as used by the township fire department shall be placed within the trailer park so that no trailer shall be more than four hundred (400) feet from a fire hydrant.
- K. Canopies and skirting.
 - i. If the mobile home is skirted, such skirting shall be of no less than twenty-six (26) gauge metal and connected with the rat wall or slab and so constructed and attached to the mobile home as to make it impossible for the entrance of rodents, flies, bugs or other insects. One (1) access door in the skirting shall be permitted and a screen vent shall be installed along such skirting at intervals of twenty (20) feet so as to provide adequate cross-ventilation.
 - ii. Each mobile home shall be jacked up in a uniform manner. No mobile home shall have its wheels removed except for repair, nor shall it be placed on blocks, posts, walls or any other foundation.
 - iii. 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. No enclosure shall be elevated more than six (6) inches above grade level. Canopies or awnings must be made of

materials which may be screened or glassed in with visual contact from three (3) sides, but shall not exceed ten (10) feet in width or the length or height of the mobile home.

- iv. A permit shall not be required for construction or erection of canopies or awnings which are open on three (3) sides. However, a permit shall be required before construction or erection of any screened, glassed in or otherwise enclosed awning or canopy.
- L. Fences. Fences around trailer lots shall be uniform in height and shall not exceed thirty (30) inches in height and shall be constructed in such manner as to provide firefighters access to all sides of each trailer.
- M. Recreation space, greenbelt, and landscaping.
 - i. There shall be provided an area of not less than three hundred (300) square feet for recreation, for each trailer space in the trailer park, with a minimum area of not less than fifteen thousand (15,000) square feet, which shall be no longer than two (2) times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children of the mobile home park.
 - ii. The front yard and the side yard adjacent to a street shall be landscaped and the entire trailer park shall be maintained in a clean, presentable condition at all times.

4.49 VETERINARY HOSPITALS OR CLINICS

- 1. **In the B-4 district.** Veterinary hospitals or clinics, provided that unless all activities are conducted within an enclosed building, no abutting property shall be zoned or used for residential purposes.
- 2. **In the O-2 district.** Veterinary clinics as a freestanding building or when provided a separate entrance in a shared building. In either case, all activities must be contained within the building. Trash restrictions will be the same as with other medical uses.

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4.50 WATERFRONT PROPERTY

The following provisions shall apply to waterfront property :

1. Where a parcel of land contiguous to a body of water is presented for subdividing, a recreational park bordering on the body of water may be dedicated for the purposes of swimming and picnicking, the privileges of which are to be reasonably enjoyed by the owners and occupants of lots included in any plat or plats recorded within the parcel and only such owners and occupants provided that the recreational park is dedicated at the time for the use of owners and occupants of lots contained in such a recorded plat or plats at least twenty (20) lineal feet of water frontage and one hundred fifty (150) feet in depth shall be reserved therein for the rights of each lot of the size required by this chapter; provided, however, that no recreational park so created shall have less than three hundred (300) feet of water frontage. The launching of boats from recreational parks shall not be permitted nor shall boats be allowed to be docked at recreational parks.
2. For residential developments other than platted subdivisions, but including cluster developments and cluster developments which are platted but for which no lakefront lots are created within the development, the maximum number of boats which can be launched from the commons area or stored in any manner within the commons area or on the water shall be determined by zoning district and shall not exceed the following:

District	Number of Spaces/ Feet of Lake Frontage
R-10	2 boats/70 feet
R-12.5	2 boats/ 80 feet
R-15	2 boats/ 100 feet
RM	2 boats / 70 feet

- A. The creation of any lakefront lots within the development shall preclude the use of boats in any manner from the commons area.

- B. Prior to the issuance of a building permit the owner or developer shall provide the township with evidence that the limitation on the number of boats to be docked shall be included in the open space agreement in the instance of a cluster development. In the instance of development in any RM district, evidence of such limitation shall be submitted to the township board and be reviewed by the township attorney.
3. Special provisions for waterfront property in the R-10, R-12.5 and R-15 one family residential districts:
 - A. In the case of lots bordering a lake, river or canal, accessory buildings are permitted within an unrequired front yard but not within the front yard setback.
 - B. In the case of lots bordering a lake, river or canal, the rear yard setback on the street side of the lot shall be equal to the front yard setback of the districts in which the lot is located. Accessory buildings shall not be located within the setback.

4.51 ANIMAL SHELTERS⁴¹ NOT OPERATED FOR PROFIT

Animal shelters, as defined by Section 2.1 must comply with the following requirements:

1. On-site vehicular circulation shall be configured to accommodate vehicles within the boundaries of the property. An area for drop-off or pick-up of a pet shall be provided on site and vehicles shall not stop or park on a public street to drop off or pick up pets.
2. Any animals shall be confined within the building between the hours of 10:00 p.m. and 7:00 a.m.
3. Animal shelters shall be constructed, maintained, and operated so that sounds and smells of animals cannot be discerned outside of the building. Outdoor runs shall be maintained so that odors are not discernible from adjacent properties.
4. Outdoor runs shall comply with the following:
 - A. All runs shall be permitted in the rear yard only.
 - B. All runs shall be located as far from residential zoning districts as the site allows, provided that runs shall be located at least fifty feet (50') from any adjacent residential zoning district.



- C. All runs where pets are permitted off-leash shall be surrounded by a six foot (6') tall opaque fence.
- D. The planning commission may require a landscaped buffer or solid wall to be provided between any outdoor run and any adjacent residential district if it is determined that it is necessary to prevent negative impacts to the adjacent residential properties.

4.52 PET BOARDING FACILITIES[□]

Pet boarding facilities shall comply with the following requirements:

- 1. Pets may be boarded at a pet boarding facility for a maximum of thirty (30) consecutive days.
- 2. On-site vehicular circulation shall be configured to accommodate vehicles within the boundaries of the property. An area for drop-off or pick-up of a pet shall be provided on site and vehicles shall not stop or park on a public street to drop off or pick up pets.
- 3. Any pets being boarded overnight shall be confined within the building unless an outdoor pet run meeting the standards of Section 4.52.5 has been provided.
- 4. Pet boarding facilities shall be constructed, maintained, and operated so that sounds and smell of animals cannot be discerned outside of the building.
- 5. The Planning Commission, after site plan or sketch review pursuant to Section 6.1, may approve outdoor pet runs that comply with the all of following:
 - A. Outdoor pet runs are prohibited on any parcel that abuts a residential zoning district or use.
 - B. Outdoor pet runs shall be utilized between 7:00AM and 10:00PM.
 - C. A waste management plan shall be provided for Planning Commission review and approval. All animal waste shall be removed
 - D. All outdoor runs shall be permitted in the rear yard only.
 - E. All runs shall be set back a minimum of one-hundred and fifty feet (150') from all adjacent residential zoning districts.

- F. All outdoor runs where pets are permitted off-leash shall be surrounded by a six foot (6') tall opaque fence. Said fence shall meet the minimum requirements of Section 5.13 and be designed in such a manner as to prevent animals from jumping, climbing or digging over or under the fence. Required outdoor pet run setbacks shall be measured from the required obscuring fence to the property line.
- G. The planning commission may require a landscaped buffer or solid wall to be provided between any outdoor run and any adjacent residential district if it is determined that it is necessary to prevent negative impacts to the adjacent residential properties.

4.53 PAWNSHOPS[□], POOL AND BILLIARD HALLS[□], SECOND HAND DEALERS[□], SMOKING LOUNGES[□], TATTOO AND BODY ART FACILITIES[□], TOBACCO RETAIL STORES[□], AND TOBACCO SPECIALTY RETAIL STORES[□]

- 1. Location criteria. Pawnsops, pool and billiard halls, second hand dealers, smoking lounges, tattoo and body art facilities, tobacco retail stores, and tobacco specialty retail stores shall be located more than five hundred feet (500') from any of the following uses as measured from lot line to lot line:
 - A. One-family residential zoning districts.
 - B. Public or private preschool, elementary school, middle school, junior high school, high school, special education school, vocational school, junior college, and university ("school" includes the school grounds).
 - C. State licensed child day care facility as defined in MCL 722.111(1)(g).
 - D. Public library.
 - E. Church, synagogue, mosque, temple or building which is used primarily for religious worship.
 - F. Public park or public recreational area under the control, operation, or management of the Township Department of Parks and Recreation or any other federal, state, or local municipality.
 - G. A site where the same type of use is located.

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2. Township Center District. To be consistent with the objectives and stated purpose of the Township Center District found in Section 3.1.22 of this ordinance, the above-described businesses shall be prohibited from locating within the Township Center District boundaries as set forth in the Township Center District Regulating Plan.

4.54 SEXUALLY ORIENTED BUSINESSES

1. Intent and purpose. The Township has a substantial government interest in preventing negative secondary effects associated with businesses and establishments. The Township may rely on studies and evidence generated by other communities, and evidence described in judicial opinions in the development and adoption of zoning regulations. Relying on such studies and evidence, the Township Board has concluded that to promote public health, safety, and welfare, location criteria and dispersal requirements are necessary to reduce adverse effects of certain businesses on adjacent properties and to prevent a concentration of uses that contribute to blight, nuisance or other negative secondary effects to adjacent properties, the neighborhood, or the community as a whole.

It is the intent of this Section to establish uniform regulations while controlling secondary effects and to comply with constitutional requirements. It is not the intent, purpose, nor the effect of the Township ordinances to suppress any speech activities protected by the United States or Michigan Constitutions, but to enact regulations to further the governmental interests of the Township in controlling secondary effects.

2. Location criteria. Any sexually oriented business shall be permitted in the B-3, General Business, and the I-OP, Industrial Office Park Districts, if all of the following location criteria are met:

A. The site for the sexually oriented business is located more than three hundred feet (300') from the nearest lot line of any:

- i. One-family residential zoning district
- ii. Public park or public recreation area under the control, operation, or management of the Township department of parks and recreation or any other federal, state, or local municipality

B. The site for the sexually oriented business is located more than seven hundred and fifty feet (750') from the nearest lot line of any:

- i. Site having a sexually oriented business designation under the ordinances
- ii. Public or private preschool, elementary school, middle school, junior high school, high school, special education school, vocational school, junior college, or university ("school" includes the school grounds)
- iii. State licensed child day care facility as defined in MCL 722.111(1)(g)
- iv. Public library
- v. Church, synagogue, mosque, temple or building which is used primarily for religious worship

C. Measurement shall be made in a straight line from the nearest point on the lot line of the premises where a sexually oriented business is proposed, including any auxiliary buildings and areas designated for parking, to the nearest point specified in subsection A or B above. Presence of intervening structures or objects or another political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

3. Township Center District. To be consistent with the objectives and stated purpose of the Township Center District found in Section 3.1.22 of this ordinance, sexually oriented businesses as defined in Chapter 6 of the Code of Ordinances shall be prohibited from locating within the Township Center District boundaries as set forth in the Township Center District Regulating Plan.

4. Nonconforming uses. Any sexually oriented business lawfully operating on the date this section takes effect that is in violation of subsection 2, "location criteria," shall be deemed a non-conforming use.

A. The non-conforming use shall be permitted to continue as provided in Section 7.1 of this ordinance.

B. If two (2) or more sexually oriented businesses are within seven hundred and fifty feet (750') of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a



particular location is the conforming use and any later established business is non-conforming.

- C. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a use listed in subsection 4.54.2.A or B.

4.55 FORTUNE TELLING FOR PAYMENT¹

- 1. Location criteria. Any establishment providing fortune telling for payment shall be permitted in the B-3, General Business, or the I-OP, Industrial Office Park District provided that the location is more than five hundred feet (500') from any of the following uses as measured from lot line to lot line:
 - A. One-family residential zoning districts
 - B. Public or private preschool, elementary school, middle school, junior high school, high school, special education school, vocational school, junior college, and university ("school" includes the school grounds)
 - C. State licensed child day care facility as defined in MCL 722.1 11(1)(g)
 - D. Public library
 - E. Church, synagogue, mosque, temple or building which is used primarily for religious worship
 - F. Public park or public recreation area under the control, operation, or management of the Township Department of Parks and Recreation or any other federal, state, or local municipality
 - G. A site where the same type of use is located Township Center District. To be consistent with the objectives and stated purpose of the Township Center District found in Section 3.1.22 of this ordinance, the above-described businesses shall be prohibited from locating within the Township Center District boundaries as set forth in the Township Center District Regulating Plan.

4.56 MASSAGE THERAPY ESTABLISHMENTS

- 1. Location Criteria. The following location requirements shall apply to all massage therapy establishments. These requirements shall not apply to accessory massage therapy establishments. Location requirements for

accessory massage therapy establishments shall be predicated by the principal use to which such establishment is accessory.

A massage therapy establishment shall be located a minimum of five hundred (500) feet from the nearest lot line of any of the following uses, unless a greater distance is specified. Measurement shall be made in a straight line from the nearest point on the lot line of the premises where the massage therapy establishment is proposed, to the nearest lot line of any of the following uses. Presence of intervening structures or objects or another municipal boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

- A. A Charter Township of West Bloomfield Entryway, as that term is defined in the West Bloomfield Township Master Plan, as it may be amended from time to time. Entryways for purposes of this section shall include the following intersections:
 - i. Orchard Lake Road and 14 Mile/Northwestern
 - ii. Orchard Lake Road south of Pontiac Trail
 - iii. 14 Mile Road and Farmington Road
 - iv. 14 Mile Road and Middlebelt Road
 - v. 14 Mile Road and Drake Road
 - vi. 14 Mile Road and Haggerty Road
 - vii. Maple Road and Inkster Road
 - viii. Long Lake Road and the eastern Township limits
 - ix. Haggerty Road and Maple Road
 - x. Haggerty Road and Pontiac Trail
 - xi. Commerce Road at the western Township limits
 - xii. Hiller Road at the northern Township entryway
- B. A park or recreation area under the control, operation, or management of the West Bloomfield Parks and Recreation Commission or any other federal, state, or local municipality.
- C. A senior housing.
- D. A library under the control, operation and management of the West Bloomfield Township Public Library.
- E. A place of worship.

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- F. A hotel, motel, bed and breakfast or similar facility for overnight accommodations.
 - G. A massage therapy establishment.
 - H. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - I. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of any state or federal department of corrections or local or county jail.
 - J. One thousand (1,000) feet from a public or private elementary school, middle school, junior high school, high school, vocational school, special education school, junior college or university or state licensed child day care facility as defined in MCL 722.111(1)(g).
2. Nonconforming Uses. Any massage therapy establishment lawfully operating on the date this section takes effect that is in violation of Section 4.56.1, Location Criteria, shall be deemed a non-conforming use.
- A. The non-conforming use shall be permitted to continue as provided in Section 7.1, Nonconforming Lots, Structures, and Uses, of this ordinance.
 - B. If two (2) or more massage therapy establishments are within five hundred (500) feet of one another and otherwise in a permissible location as listed in Section 4.56.1, Location Criteria, the massage therapy establishment which was first established and continually operating at a particular location is the conforming use and any later established business is non-conforming.
 - C. A massage therapy establishment lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a use listed in Section 4.56.1, Location Criteria.



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5.1 ACCESSORY BUILDINGS AND STRUCTURES

1. General Provisions for accessory buildings and structures:
 - A. Accessory buildings or structures are permitted in the R-10, R-12.5, R-15, and RM districts subject to the limitations specified for each district except as provided for in this section. Detached accessory buildings and structures in all other districts may be permitted with site plan review and approval except as provided for in this section.
 - B. Where an accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard and height regulations of this chapter applicable to main buildings except as provided for in this section.
 - C. No detached accessory building or structure in a residential zoning district shall exceed one (1) story or fifteen (15) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in the districts, subject to the final action by the approving body of the site plan.
 - D. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.
2. Anything in this section to the contrary notwithstanding, citizens band and amateur radio towers may be permitted in all use districts and business radio towers may be permitted in zoning districts other than residential districts provided the tower is centrally located on the parcel. The dimension from the base of the tower to all points on each property line shall be greater than the height of the tower and any extension thereof. Additionally, the straight line distance from the base of the tower to all points on any overhead utility wires traversing the parcel shall be greater than the height of the tower and any extension thereof.
 - A. When citizens band and amateur radio towers are located in residential zoning districts, the towers shall be located in the rear yard.
 - B. Business radio towers are expressly prohibited in all residential zoning districts.
3. Solar energy systems that only service the energy needs of the property where the structure is located shall be allowed as an accessory structure subject to the following requirements:
 - i. Roof-mounted solar panels are permitted on buildings and structures in all zoning districts and may include solar panels integrated as part of the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush mounted solar panels attached to the roof.
 - ii. All solar energy systems shall obtain a building permit, along with any other permits required by federal, state and local agencies, prior to erecting a system.
 - iii. Separate, flush-mounted solar panels that are not integrated as part of the roof surface shall be located on a roof that does not face any public street or township recognized or approved private road, unless such installation is proven to be ineffective or impractical due to the orientation of the structure to the sun. In such instances the Community Development Department may permit the panels to be located on other roof faces if not visible to any such street or road.
 - iv. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation.
 - v. Solar panels shall not project higher than the permitted building height in the zoning district in which it is located.
 - vi. All solar panels shall consist of a color designed to blend with the surrounding environment as much as possible.
 - vii. Signage on solar panels shall be limited to those necessary to identify the owner, provide a 24-hour emergency contact phone number, warn of any danger, and educational signs providing information about the facility and the benefits of renewable energy. Solar panels shall not be used for displaying any advertising except

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- for reasonable identification of the manufacturer or operator of the solar energy facility.
- viii. Existing non-residential uses may replace existing light fixture poles with poles that use solar or a hybrid (multiple energy sources that include solar and/or wind) system provided they meet the regulations of section 26-5.6.
 - ix. Any solar energy system not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the property owner, at the property owner's expense.
 - x. Upon request, the Planning Commission may grant waivers of the requirements of this section, upon determining that the waiver will not present any undue hardships on adjoining properties. The Planning Commission shall take into consideration the support or opposition of adjacent property owners in granting waivers.
 - xi. Prior to making a determination on the waiver, the Planning Commission shall conduct a public hearing, at least thirty (30) days notice of which shall be given by publishing in a newspaper of general circulation in the township and by mail or personal delivery to the owner of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property considered, to occupants of all structures within three hundred (300) feet of that boundary, and to the subdivision association if applicable. The notice shall describe the nature of and indicate the property which is the subject of the request, give the date, time and place of the hearing and indicate where written comments can be received concerning the request.
4. Wind energy conversion systems (WECS) that only service the energy needs of the property where the structure is located shall be allowed as an accessory structure subject to the following requirements:
- i. WECS are permitted on buildings and structures in all zoning districts and may include a tower, body, rotor, and blades.
 - ii. WECS shall not be erected or commenced without first obtaining a building permit as provided in this subsection and chapter and any other permits or approvals required by federal, state and other governmental laws or agencies.
 - iii. Notification of the WECS request shall be provided by mail or personal delivery to the owner of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property considered, to occupants of all structures within three hundred (300) feet of that boundary, and to the subdivision association if applicable. The notice shall describe the nature of and indicate the property which is the subject of the request, indicate where and how any written objections to the request may be submitted and that if no written objections are received by the Building Department by a specified date that is at least thirty (30) days after the notice is given, that a building permit may be issued. If any timely objections are received by the Building Department, the request shall be forwarded to the Planning Commission for review and approval after a public hearing is held. At least fifteen (15) days notice of the public hearing shall be given by publishing in a newspaper of general circulation in the township and by mail or personal delivery to the same persons that were required to be notified of the request as provided in this subsection. The notice shall describe the nature of and indicate the property which is the subject of the request, give the date, time and place of the hearing and indicate where written comments can be received concerning the request.
 - iv. All WECS shall be constructed, operated and maintained in a manner that is safe, reasonably minimizes adverse visual impacts and protects against adverse environmental impacts. A building permit shall not be issued by the Building Department or approved by the Planning Commission



- unless the WECS complies with all requirements in this subsection (i) and all other provisions in this chapter. In considering a request, the following standards shall be considered and may be a basis for denying the request or imposing conditions based on specifically identified individual facts or features of the WECS and/or property upon which it will be located:
- a. Whether the proposed location on the lot creates adverse aesthetic, safety or environmental impacts that could be avoided or minimized in a different location.
 - b. Whether any evidence of specifically identified and likely adverse effects to lawful existing uses in the immediately surrounding area has been presented.
 - c. Whether any evidence of specifically identified and likely hazards to people, property or animals from the use has been presented.
- v. A plot plan in accordance with Section 7.4 shall be submitted in addition to the following information:
 - a. An elevation drawing of the proposed WECS and all necessary equipment superimposed in the proposed location.
 - b. Specification sheets for all equipment, identifying all parts of the system, including, but not limited to, the manufacturer and model, turbine, tower height and type, rotor diameter, foundation, any accessory equipment, and the manufacturers electrical plans and specifications.
 - c. Any other information or evidence required by the Township to confirm compliance with the requirements of this chapter.
 - vi. Only one (1) WECS shall be permitted on a lot, which must be at least one (1) acre in size. Additional WECS may be permitted by the Planning Commission provided they meet all requirements specified in this section and their number and placement is appropriate for the site and is architecturally and visually compatible with the surrounding area.
 - vii. Unless required by state or federal law, signage on solar panels shall be prohibited. Where such signage is required, it shall be limited to the minimum necessary to display the required information.
 - vii. Existing non-residential uses may replace existing light fixture poles with poles that use WECS or a hybrid (multiple energy sources that include solar and/or wind) system provided they meet the regulations of section 5.6.
 - viii. Height
 - a. The height of the WECS shall not exceed twice the maximum permitted height for principal structures in the zoning district in which it is located. The total system height shall include the height above grade of the fixed portion of the tower to the heights vertical extension of any blades or rotors.
 - b. Roof-mounted wind energy facilities may exceed the tallest part of the roof to which it is attached by no more than ten (10) feet.
 - ix. Location
 - a. WECS shall not be located within a yard facing a public street or township recognized or approved private road in any residential zoning district.
 - b. WECS shall be set back a distance at least equal to the height of the WECS from all lot lines. The height shall be measured to the top of the blade at its highest point.
 - c. Clearance from any moving parts shall be at least twenty (20) feet above ground level and at least twenty (20) feet from any overhead utility lines or vegetation.
 - d. WECS shall maintain the sight lines on lakefront and lakeview lots as regulated for main buildings in Section 3.5.2.N.i.a
 - x. Noise emissions from the operation of a WECS shall not exceed sixty-five (65) decibels on the DBA scale as measured at the nearest lot line or road right of way.



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- xi. Screening of ground mounted mechanical equipment through the use of evergreen trees and/or shrubs is required to mitigate aesthetic impacts.
 - xii. All WECS shall consist of a neutral, non-reflective exterior color designed to blend with the surrounding environment.
 - xiii. WECS shall not be illuminated.
 - xiv. Unless required by state or federal law, signage on WECS shall be prohibited. Where such signage is required, it shall be limited to the minimum necessary to display the required information. All utility connections for and from the WECS shall be located underground. Electrical transformers for utility interconnections may be above ground if required by utility provider but must be screened according to the Zoning Ordinance.
 - xv. The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty percent (80%) of design limits of the rotor.
 - xvi. All WECS shall be designed and installed so as to prevent unauthorized access to electrical and mechanical components and shall be secured or locked at all times when service personnel are not present. To prevent unauthorized climbing, the WECS must provide an anti-climb device.
 - xvii. The applicant shall be required to secure and maintain sufficient liability insurance covering loss or damage to persons or property from the WECS and provide written proof of that insurance before a permit is issued, and thereafter annually on the anniversary of the date the permit was issued.
 - xviii. The applicant shall be required to provide a maintenance plan that ensures the upkeep and maintenance for the WECS, compliance with which will be a permit condition.
 - xix. Any WECS not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the owner of the WECS, at the property owner's expense.
5. Regulations for accessory buildings and structures including animal enclosures in the R-10, R-12.5, and R-15 one-family residential districts:

A. General Regulations

- i. In the R-10, R-12.5, and R-15 zoning districts, accessory buildings and structures shall only be permitted accessory to a one-family dwelling located on the same lot. In no case shall an accessory building or structure be located on a lot without a one-family dwelling located on the same lot. For other principal or special land uses listed in Section 3.1.1 , 3.1.2, 3.1.3, accessory buildings or structures may be permitted subject to site plan review and approval (Section 6.1)
- ii. Unless otherwise stated in Section 5.1 .5.B-K below, a building or structure accessory to a residential building shall not be erected in any yard except a rear yard. Detached garages are excepted from this provision and may be located in the side yard, providing setback requirements of the main building are maintained (see Section 26-4.50, Waterfront properties).
- iii. Subject to the limitations of Section - 4.50 for waterfront properties, detached accessory buildings shall not occupy more than twenty-five (25) percent of a required rear yard, plus twenty (20) percent of any nonrequired rear yard, with the total floor area of all detached accessory buildings limited to six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater.
- iv. Unless otherwise stated in Section 5.1.5.B-K below, a detached building or structure accessory to a residential building shall be located no closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line.
- v. When a building or accessory structure to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the building or structure shall not project beyond the front yard setback required



on the lot to the rear of such corner lot. An accessory building or structure shall in no case be located nearer than ten (10) feet to a street right-of-way line.

B. Private stables are permitted accessory to a one-family dwelling subject to the following conditions:

- i. A minimum lot size of two (2) acres is required for one (1) horse and for each additional horse stabled thereon one (1) acre of land shall be provided.
- ii. All confinement areas and/or stables shall in all instances be located in the rear yard.
- iii. In no instance shall a horse be confined nearer than seventy-five (75) feet to any property line; provided, however, that this provision shall not apply to any property line which separates lots of at least two hundred (200) feet in width and of three (3) acres in area.

C. Private pools are permitted accessory to a one-family dwelling, subject to the following:

- i. General Requirements:
 - a. There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.
 - b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - c. No swimming pool shall be located less than thirty five (35) feet from any front lot line.
 - d. On a corner lot, pools shall comply with the side yard setback identified in Section 3.5.2.
 - e. No swimming pool shall be located in an easement.
 - f. All pools shall comply with the impervious surface requirements of [Section 3.5.V](#).
 - g. For the protection of the general public, all yards containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type

with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods; provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the building department upon inspection and approval.

- 1. The exposed wall of an infinity edge/zero edge pool may be utilized to comply with the above mentioned barrier/fence requirement so long as the exposed side of the pool wall has a minimum height of four (4) feet above grade.
- h. In no case shall any pool wall project more than five (5) feet above grade.
- i. In no case shall pool water be discharged into any wetland, stream, or lake, without obtaining all necessary Township, County, State, or Federal Permit(s). The discharge of pool water shall comply with all rules and regulations adopted pursuant to the Natural Resources Environmental Protection Act, MCL 324.101 et seq. Under no circumstance shall pool water be discharged to the sanitary sewer.
- j. All pool equipment (heaters, filters, etc.) shall be subject to the location and screening requirements of Section 5.5 exterior appliances.
- k. Air-supported structures covering swimming pools are prohibited in lots less than three (3) acres in size.
- i. Pools (Non-lakefront/Non-lakeview)
 - a. Location-- In-ground, above-ground, or infinity edge pools shall only be permitted within a rear yard.
- ii. Pools (Lakefront/Lakeview)
 - a. Location-- In-ground or infinity edge pools shall be permitted within a front yard (lakeside),

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subject to the following regulations.

1. Above-ground pools are prohibited.
2. A pool and any required barrier/fence shall be permitted to project up to twenty-five (25) feet into the main building sightline setback as defined in Section 3.5.2.N.i provided the following requirements are met:
 - A) If fencing is used to comply with barrier requirements, such fencing shall be a maximum of four (4) feet in height and shall be constructed of transparent glass or non-opaque material/design. The use of chain-link fencing shall be prohibited.
 - B) In no case shall the pool or any required barrier be located within any environmental feature setback as defined in [Section 5.4](#).
- D. Fences - Decorative and privacy fences shall be permitted accessory to a one-family dwelling subject to the following:
 - i. General requirements:
 - a. The use of woven wire, razor, barbed wire, electrified fences, spikes, and similar materials on any fence shall be prohibited.
 - b. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any material capable of providing habitat for pests or vermin.
 - c. Where one side of a fence has more finished or decorative appearance than the other, the side with the more finished or decorative appearance shall face the road or adjacent lots.
 - d. Fence height shall be measured from the natural grade adjacent to the highest point of the fence.
 - ii. Fence on Non-Lakefront/Non-Lakeview properties
 - a. Location. Fences may be constructed within a minimum rear yard or side yard, but not within the front yard or minimum front yard setback. On a corner lot, the front yard or side yard abutting a street shall be considered as one (1) continuous front yard for the purpose of this section.
 - b. Height. The maximum height shall be six (6) feet.
 - iii. Fences on Lakefront/Lakeview properties
 - a. Location. On lots bordering upon a lake, river, or canal, fences may be constructed within the side yard only except as provided in [Section 5.1.5.C Private Pools](#)
 - b. Height. The maximum height shall be four (4) feet.
- E. Decks - Residential decks are permitted accessory to a one-family dwelling subject to the following:
 - i. General requirements:
 - a. Height. The average deck height shall be the sum of the deck heights at each corner divided by the total number of corners. The yard grades used for this measurement shall be those existing prior to any grading for landscaping purposes.
 - b. Multi-level Decks: The use of double level decks or stacking decks is prohibited, unless the lower level deck is at grade and is constructed of stone, concrete, or paver material.
 - c. Coverings: The use of coverings over decks, including, but not limited to, canopies, awnings and trellises, are not permitted within required yard setbacks, except as provided in [Section 3.9 Projections](#).
 - d. Storage under decks is not permitted unless the storage area is completely obscured from view.
 - e. Unenclosed: The area under a deck shall remain unenclosed.
 - ii. Attached Decks



a. Decks attached to a one-family residence shall comply with all required yard setbacks except as follows:

1. Non-Lakefront/Non-Lakeview

i. Projection

A) Decks with a maximum height of twelve (12) feet shall be permitted to encroach into the required rear yard setback for a maximum distance often (10) feet. An exception shall be permitted for the properties developed as a PSO or an average lot size option that rear property line are adjacent to a dedicated open space or dedicated park, in which, decks shall be permitted to encroach into a require rear yard setback for a maximum distance of fifteen (15) feet.

ii. Area

A) The total area of attached decks shall be subject to the maximum building lot coverage of [Section 3.5.2.V](#).

2. Lakefront/Lakeview Decks

i. Projection

A) Decks with an average height of less than three (3) feet (including any required railing) may project up to ten (10) feet into the required building sightline setback.

B) Decks with an average height greater than

three (3) feet but less than twelve (12) feet (including any required railing) shall be subject to the projection requirements of [Section 3.5.2.N](#).

i. Area

A) The total area of attached decks shall be subject to the maximum building lot coverage of [Section 3.5.2.V](#).

iii. Detached Decks

a. Detached decks that are at grade and have no guard rail/railing or covering are permitted within any yard, so long as the proposed structure complies with the impervious surface coverage requirements of [Section 3.5.2.V](#).

b. Except for decks surfaces adjacent to retaining walls, detached decks that are required to have a guard rail/railing shall comply with the placement requirements of [Section 5.1](#) accessory buildings.

iv. Docks

a. Seasonal docks installed pursuant to the requirements and standards of Section 12-92(5) of the West Bloomfield Code of Ordinances shall be a permitted accessory structure provided the watercraft moored at the dock shall be registered/owned or licensed to the owner or occupant of the residential dwelling to which such dock is accessory.

F. Landscape walls/Retaining walls - All landscape walls and retaining walls accessory to a one-family dwelling shall comply with the following:

i. All landscape walls and retaining wall shall be maintained in a good condition and neat appearance. Rotted, deteriorated, or damaged elements shall be repaired, replaced, or removed.

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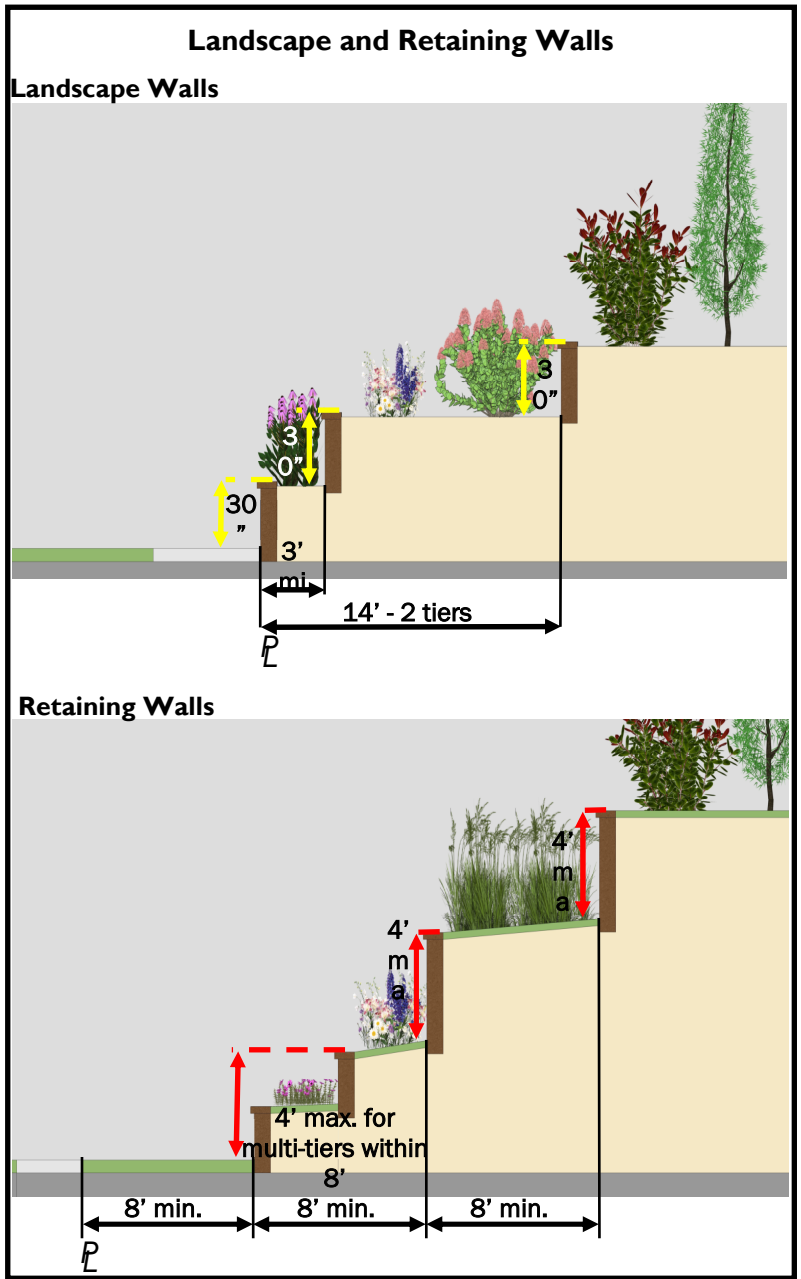
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- ii. Landscape walls
 - a. Landscape walls shall not exceed thirty (30) inches in height above the lowest adjacent grade level.
 - b. In no case shall any wall be located within the twenty-five (25) foot environmental feature setback without first obtaining approval as required in [Section 5.4](#).
 - c. Tiered landscape walls shall be permitted provided they are separated by a minimum distance of three (3) feet (measured between the face of each wall).
 - d. Not more than two (2) tiered landscape walls shall be permitted within fourteen (14) lineal feet, measured from the face of each wall.

- iii. Retaining Walls
 - a. All walls shall comply with Chapter 8 Article XII Grading and Drainage of the Code of Ordinances.
 - b. In no case shall any wall be permitted where it would disrupt natural drainage patterns, except where it is demonstrated that a proposed change in drainage will not have an adverse impact on adjoining properties or cause a threat to public health, welfare, or safety as determined by the Development Services Department.
 - c. Retaining walls shall be prohibited within eight (8) feet from a property line. Only landscape walls (Section 5.1.4.F.ii) shall be permitted within eight (8) feet of a property line.
 - d. Retaining walls shall not exceed four (4) feet in height above the lowest adjacent grade level.
 - e. Tiered retaining walls having a horizontal separation of less than eight (8) feet shall be reviewed as one (1) wall, and shall not exceed four (4) feet in combined height.
 - f. In no case shall any wall be located within the twenty-five (25) foot environmental feature setback without first obtaining approval as required in Section 5.4.

- g. Landscaping required - A landscape plan shall be submitted for review and approval by the Development Services Department that identifies the size and species of plantings adjacent to retaining walls. The review shall ensure that the proposed landscaping is appropriate for the material and size of the retaining wall.
- h. Although landscaping is required and preferred, any required guardrail or handrail shall be limited to the minimum height required by building code.



G. Residential Entry Feature - Residential entry features shall be permitted accessory to a one-family dwelling, subject to the following:

- i. The subject property has at least one-hundred (100) feet of frontage on a road with a right-of-way greater than sixty (60) feet.
- ii. The one-family dwelling shall be a minimum of one-hundred (100) feet from the front property line.
- iii. The residential entry feature shall be setback a minimum of twenty-five (25) feet from the traveled portion of the road and in no instance shall a residential entry feature be located within a right-of-way.
- iv. A residential entry feature shall be located a minimum of ten (10) feet from any other building.
- v. Residential entry features may not exceed six (6) feet in height and may not extend more than ten (10) feet on either side of the residential driveway. In no case shall the width of a residential entry feature exceed fifty (50) percent of the width of the lot's road frontage.
- vi. Any proposed illumination shall comply with the maximum height requirement of this section and lighting requirements of below. Any gate associated with a residential entry feature shall comply with the following:
 - a. The maximum height shall be six (6) feet measured from the adjacent grade to the highest point of the gate.
 - b. The material of the gate shall be primarily transparent fifty (50) percent transparency required).
 - c. Fire Department review and approval shall be required.

H. Basketball Hoops - Building or pole-mounted basketball backboards or hoops may be located within a front or side yard setback accessory to a one-family dwelling; subject to the following conditions:

- i. No more than one such backboard or hoop (either garage or pole-mounted) shall be located in all combined front or side yards' setbacks of

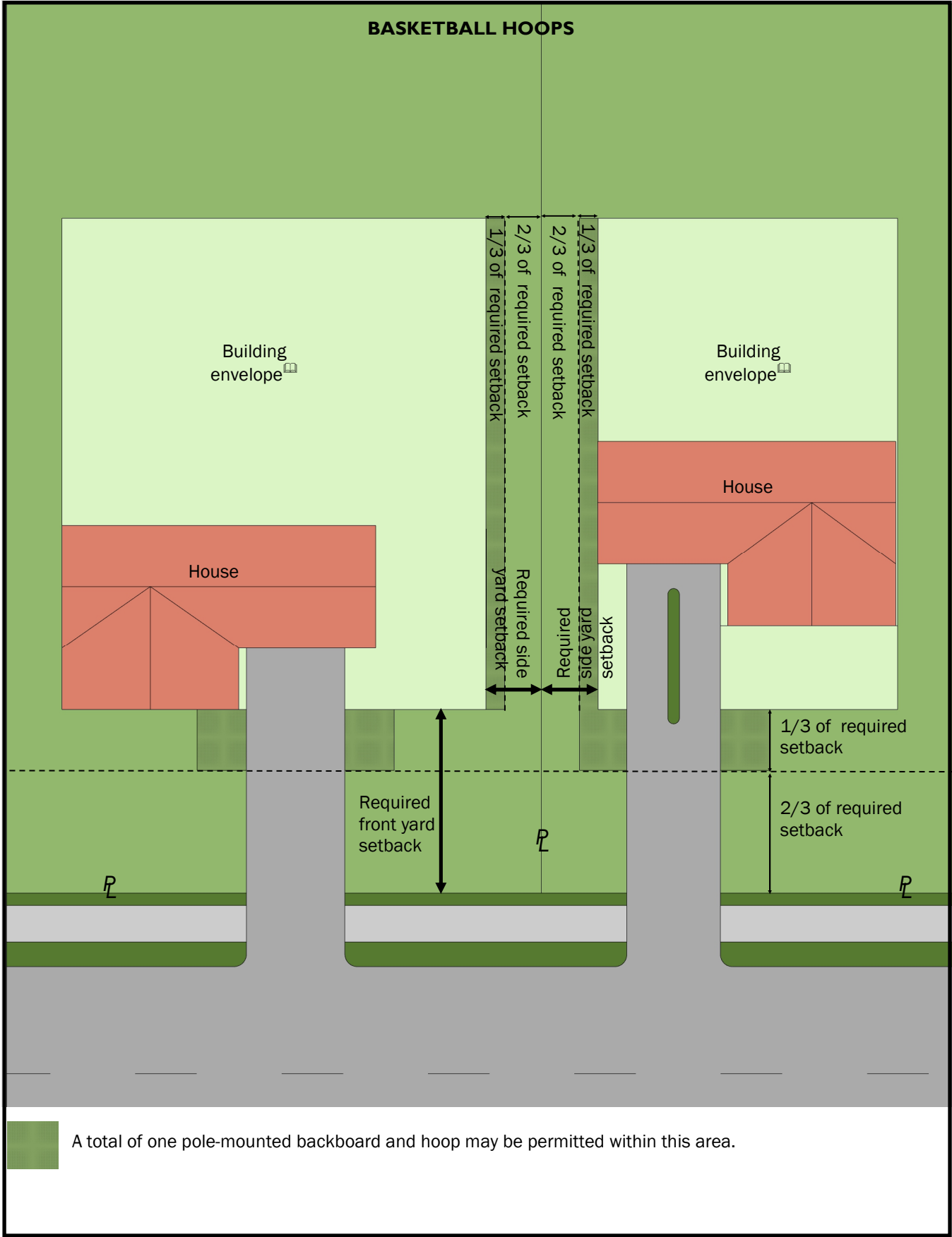
a lot except as provided in a private athletic court (Section 5.1.5.I).

- i. A pole-mounted backboard and hoop shall be located within the one-third
 - ii. (1/3) of a front yard setback nearest the dwelling and contiguous to the
 - iii. driveway or within the one-third (113) side yard nearest the dwelling..
- I. Private Athletic Courts - private athletic courts shall be permitted accessory to any one-family residential dwelling, subject to the following:
- i. The site has a minimum of two-hundred (200) feet of street frontage.
 - ii. The site contains a minimum of three (3) acres.
 - iii. Private athletic courts may be permitted within any non-required side, rear, or front yard.
 - iv. When a private athletic court is located in the front yard (lakeside) of a residence it shall comply with the required sightline setback requirement.
 - v. The use of exterior lighting is prohibited.
 - vi. Athletic courts shall permit fencing subject to:
 - a. Setbacks conforming to that of the district.
 - b. The fence height shall not exceed ten (10) feet.
 - c. All fencing shall be non-opaque
- J. Playhouses/Treehouses
- i. Playhouses and treehouses shall be permitted accessory to any one-family dwelling. The playhouse/treehouse may not exceed fifteen (15) feet in height (measured from natural grade at the base of the structure or tree to the highest point of the structure) and are subject to the placement requirements of Section 5.1.5. A
 - ii. Playhouse and treehouses shall be constructed and maintained in a safe condition. The regulations of this section in no way prevent the removal of an unsafe or deteriorated structure.

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- K. Satellite dish antennas. The following regulations apply to satellite dish antennas with a diameter of one meter (39.37") or greater. Subject to all FCC regulations, satellite television receiving dish antennas may be permitted in the one-family residential zones provided the following minimum criteria are satisfied:
 - i. Such antennas shall be permitted only in the rear yard and shall be subject to the same side and rear yard setbacks as applicable to the main buildings, or on the rear roof or lake side roof of the principal building with the height of the antenna not to exceed the highest ridge of the building.
 - ii. Where it is shown that a usable signal, as verified by a qualified person, cannot be obtained for a dish antenna subject to the location limitations of this section, a waiver of setback may be granted by the building department when the proposed location is shown to be the least obtrusive possible and subject to the screening and materials provision of this section.
 - iii. Receiving dish antennas shall be constructed of open mesh metal painted a flat dark color (i.e.: black, grey, drab green) and shall be reasonably screened with evergreen landscaping or materials compatible with existing architecture.
 - iv. Permits must be secured from the building department prior to placement of the receiving dish antenna on any residentially zoned site. Permit requests must be accompanied by a plot plan showing the proposed location of the dish antenna, relationship to setbacks and structures, a detail of the proposed screening, the orientation of the dish antenna and the proximity of the antenna to structures on adjacent properties.
- 6. Regulations for accessory buildings and structures including animal enclosures in the RM Multiple Family residential districts:
 - A. In the RM multiple-family residential districts satellite television dish antennas are considered to be accessory structures and may be permitted only with the approval of the planning commission.

- B. A building or structure accessory to a residential building shall not be erected in the required front, side or rear yard (perimeter) of a multiple development.
- C. Landscaping and/or screening of the accessory building or structure may be required by the planning commission.

5.2 ACCESS TO MAJOR OR SECONDARY THOROUGHFARE TO ALLOW ACCESS TO A SIDE STREET UNDER CERTAIN CONDITIONS

Whenever this chapter requires users to have direct access or ingress and egress to a major or secondary thoroughfare, access driveways may be permitted to other than a major or secondary thoroughfare or freeway service drive where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major or secondary thoroughfare or freeway service drive is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which in the opinion of the planning commission will be used for other than single-family purposes in the future. This exception shall apply only if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

5.3 CORNER CLEARANCE

No fence, wall, shrubbery, sign, landfill or other obstruction to vision above the height of three (3) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. In the case of a driveway intersecting with a street, the triangular area shall be formed at the intersection of the street right-of-way line and the edge of an intersecting driveway at a distance of twenty-five (25) feet from their point of intersection.

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5.4 ENVIRONMENTAL FEATURES SETBACK

1. Intent and purpose. It is the intent of this article to require a minimum setback from environmental features, and to regulate property within such setback in order to:
 - A. Prevent physical harm, impairment and/or destruction of or to an environmental feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto environmental features would occur, resulting in harm, impairment and/or destruction of environmental features contrary to the public health, safety and general welfare.
 - B. Achieve the following objectives in relation to setback areas:
 - i. Protect unique wildlife habitat and habitat transition, including, without limitation, feeding, nesting, resting and traveling areas for numerous animals.
 - ii. Protection of surface water runoff and water quality for pollution prevention purposes, and assistance in beneficial water recharge for drinking, irrigation and other purposes.
 - iii. Provide water storage area in storm events.
 - iv. Provide areas which are unique due to geographic relationship to environmental feature.
 - v. Preserve aesthetic views and areas for the enjoyment of natural resources.
 - vi. Preserve threatened and endangered species habitat, including upland species.
 - vii. Reduce the need for on-site and off-site stormwater storage capacity based upon the availability of a greater area of absorption and a smaller impervious area.
 - viii. Stabilize and protect soil resources, including the prevention of erosion and prohibition of loss due to moving water resulting in destruction of upland, structures and infrastructure on the upland, and prevention of the alteration of the course of moving waters.

This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Zoning Enabling Act.

- It is recognized that there is a special relationship between environmental features and the adjoining upland in terms of: Spatial relationship; interdependency in terms of physical location, plant species, animal species and an encouragement of diversity and richness of plant and animal species; overland and subsurface hydrology; water table; water quality; erosion or sediment deposition.
2. Regulation. An environmental feature setback shall be maintained in relation to all areas defined in this section as being an "environmental feature," unless, and to the extent, it is determined to be in the public interest not to maintain such a setback.
 3. Authorization, prohibition and method of review:
 - A. The environmental feature setback shall be an area or feature with boundaries and limitations determined in accordance with the standards and provisions in this section in relation to respective types of environmental features.
 - B. In conjunction with the review of plans submitted for authorization to develop property or otherwise undertake an operation in, on or adjacent to an environmental feature, applicable environmental feature setbacks shall be determined, and authorizations and prohibitions established, by the body undertaking the plan review.
 - i. Whenever a permit is required for a use or operation that would not otherwise require the review and approval by the planning commission or township board, the planning and environmental director shall refer the application to the wetlands review board, which shall hold a public hearing and modify, approve or deny the application within ninety (90) days after receipt.
 - ii. For those developments and operations where the planning commission is the final approval authority as defined in this chapter or chapter 21 (subdivision and land division), the planning and environmental director shall refer the application to the planning commission, which shall hold a public hearing in accordance with Section 26-6.3 and shall modify, approve or deny the application within the time required to undertake the review of the use or operation.



- iii. In any instances, the review of an application to perform work within an environmental feature setback shall be done in conjunction with an application, if any, to perform work within the environmental feature itself.
 - iv. In all cases in which the wetlands review board is not the final decision-making body, the wetlands review board shall make a recommendation prior to a final decision being made. For such purposes, prior to a final determination, a copy of the meeting agenda and public hearing notice shall be provided to the members of the wetlands review board. In connection with the public hearing to be conducted by the review body, the wetlands review board shall appear and be entitled to participate fully in the deliberations of the decision making body. While such decision-making body shall be the decision maker for all purposes, the wetlands review board shall, prior to final decision, separately vote to provide its recommendation on the application. The vote of the wetlands review board shall be recorded in the minutes of the decision-making body. The decision-making body shall follow the recommendation of the wetlands review board, unless there is clear and convincing information presented at the hearing that the recommendation of the wetlands review board is clearly erroneous based upon the application of the review criteria for decisions on the application. If the decision-making body does not follow the recommendation of the wetlands review board, the decision-making body shall include in its minutes the reasons why the wetlands review board recommendation was not followed.
- C. Within an established environmental feature setback, unless and only to the extent determined to be in the public interest by the body undertaking the plan review, there shall be no: removal, deposition or assembly of materials or structures, permanent or temporary, above or below the surface of the land or water, including, but not limited to, houses, buildings, plants, bulkheads, piers, docks,

rafts, landings, dams or waterway obstructions; removal of any soils, minerals or vegetation; dredging, filling or land balancing; or constructing or undertaking seasonal or permanent operations. This prohibition shall not apply with regard to those activities exempt from this prohibition, below.

- D. In determining whether the proposed construction or operations are 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 construction or other operation, taking into consideration the local, state and national concern for the protection and preservation of the environmental feature in question. The following general criteria shall be applied in undertaking this balancing test:
 - i. The relative extent of the public and private need for the proposed activity.
 - ii. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - iii. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the environmental feature or environmental feature setback provides.
 - iv. The probable impact of the proposed construction or operation in relating to the cumulative effect created by other existing and anticipated activities in the environmental feature to be protected.
 - v. The probable impact on recognized historic, cultural, scenic, ecological or recreational values and on fish, wildlife and the public health.
 - vi. The size and quantity of the environmental feature setback being considered.
 - vii. The amount and quantity of the remaining environmental feature setback.

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- viii. Proximity of the proposed construction or operation in relation to the environmental feature, taking into consideration the degree of slope, general topography in the area, soil type, drainage, erosion and sedimentation control, type of vegetation and the nature of the environmental feature to be protected.
 - ix. Economic value, both public and private, of the proposed construction or operation, and economic value, both public and private, if the proposed construction or operation were not permitted.
 - x. Mitigation and the other applicable environmental design criteria and standards in Subsection 26-5.4.3.E.
- E. Mitigation and environmental design criteria and standards. As used in this section, mitigation means actions designed to compensate for or offset impacts from operations to or in the area for which a use permit is requested. Compliance with the applicable design criteria and standards in this section, as determined by the environmental department director, shall be required for a minor project to be considered for approval by an administrative permit under Subsection 26-5.4.4.B and may be required for other use permits by the entity with final approval authority in the absence of a demonstration by the applicant that compliance with a particular design criteria or standard is not feasible and prudent or is not necessary to assure that the operation will cause the least possible damage and encroachment or interference with the environmental features setback and the natural resources and natural processes within the watercourse and wetland areas in the township. References in this section to the "wetland/environmental mitigation manual" means a written document that is maintained and available to the public at the environmental department containing definitions of terms and detailed or technical lists, descriptions, characteristics, methods and other information referred to in this chapter that have been recommended by the director and approved by resolution of the township board for use and reference in the administration and enforcement of this section.
- i. The mitigation area which shall be at least as large as the area of disturbance (1:1 mitigation ratio), shall not exceed 0.5 acres in size and shall be on the same site as the proposed operation for which a permit is required. Off-site mitigation may not be approved by an administrative permit.
 - ii. Plans for mitigation are required and shall include all of the following:
 - a. A description of the topography, soils, hydrology, and vegetation.
 - b. The acreage to be restored, created, or preserved by ecological type.
 - c. Cut and fill volumes.
 - d. A description of the ecological types, hydrology, soils, and vegetation of the wetlands to be impacted.
 - e. A description of the adjacent protected resource wetland and/or watercourse.
 - f. Existing conditions plan that includes topographic information (one (1) or two (2) foot contour intervals), roads, trails, structures, property lines, directional arrows, scale, and the exact size and boundaries of existing environmental features setback, wetlands, streams, and 100-year floodplain.
 - g. A plan view showing all of the proposed conditions of the mitigation site including all contour elevations (at one (1) foot contour intervals), structures, the type and size of all proposed wetland areas, property lines, directional arrows, scale, the conservation easement area, and the proposed method of demarking the environmental features setback.
 - h. Cross-sections showing the existing and proposed grades.



- i. Landscape plan which includes a plan view, installation methods, planting list that specifies plant type, species list with scientific and common names, size, and quantity as well as distribution within the mitigation areas in accordance with the wetland/environmental mitigation manual.
- j. Schedule and construction methods: A schedule and methods for completion of the mitigation site must be provided (e.g., initiation, planting, completion). The site preparation and soil erosion/sedimentation control methods to be used during construction should be described.
- k. Long-term protection plan: A preservation notice and an accompanying recordable size site plan indicating the wetland, environmental features setback area, and 100-year floodplain must be provided.
- iii. Only native/indigenous trees, shrubs, grasses, sedges, forbs, vines and other herbaceous plants approved by the environmental department director pursuant to the wetland/environmental mitigation manual, may be planted in floodplains, floodways, wetlands, watercourses, woodland or tree preservation areas and environmental features setback areas.
- iv. The location of structures (permanent or temporary) is not allowed within recorded and/or township established preservation areas or easements.
- v. No direct discharge of storm water, sump water or wastewater is permitted to wetlands, watercourses, woodlands/woodland preservation areas and environmental features setback areas.
- vi. Seawalls must meet the following design standards:
 - a. Any type must be installed at or above the ordinary high water mark of a watercourse.
 - b. Existing vertical and horizontal contours of the shoreline shall be maintained.
 - c. Vertical seawalls (steel or vinyl) are not permitted where vertical walls do not currently exist.
 - d. Boulder seawalls will be installed on a 1:1 slope (forty-five (45) degree angle), approved geotextile fabric shall be installed behind the proposed seawall, and approved stone backfill shall be used to provide adequate drainage.
 - e. Four- to eight-inch diameter natural cobblestone must be placed (minimum width of twelve (12) inches) at the toe of the entire length of the seawall.
 - vii. Impervious surfaces can not exceed twenty-five (25) percent of an environmental features setback area and must be constructed such that runoff is directed away from watercourses and wetlands or to a native plant area to provide the maximum infiltration of storm water and runoff as possible.
 - viii. Trees within the environmental features setback can be trimmed to a height of twelve (12) feet and herbaceous and/or shrubs can be cut to a minimum height of four (4) feet for the creation of a viewshed.
 - ix. Beach sanding must meet the following design standards:
 - a. The purpose of the fill is for the creation, improvement, or restoration of swimming areas and beaches.
 - b. The fill is placed above the ordinary high water mark.
 - c. The fill is ten (10) cubic yards or less and is completed as one complete project.
 - d. The material is from a source approved by the environmental department director and is clean, nonpolluting, free from debris, organic materials, and waste metal products.
 - e. The total area filled shall not exceed twenty-five (25) percent of the environmental features setback.

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- x. Driveways must meet the following design standards:
 - a. Any upland on the property or other alternatives, such as obtaining a permanent easement for access from adjacent upland if available or a shared driveway shall be utilized to the greatest degree possible.
 - b. The location of the driveway is at the least damaging place on the property and creates the minimum wetland impact.
 - c. No ditches may be placed in the wetland in association with the driveway.
 - d. The driveway must terminate at a buildable upland site.
- 4. Exemption and administrative permits.
 - A. Exemption. If and to the extent the township is prohibited by its ordinance or law from regulating or prohibiting the proposed activity in or on the respective environmental feature, regulation under this article shall be exempt.
 - B. Administrative permits. Use permits may be approved administratively as provided in this subsection for the installation of native plants listed in the wetland/ environmental mitigation manual, on any property or for proposed operations on or in connection with the lawful use of a single-family residential property that has received and is or will be in compliance with the conditions of all other required township permits or approvals and that does not involve, include or propose any of the following as determined by the environmental department director upon reviewing a use permit application:
 - i. Operations by or on behalf of a public agency or utility for purposes other than maintenance or repair of existing structures.
 - ii. Operations that require site plan approval under the zoning ordinance.
 - iii. New home construction.
 - iv. More than twenty-five (25) percent impact on the existing environmental features setback area.
 - v. A net loss of the function or value of a resource protected by this chapter.
 - C. Administrative permit applications. An applicant may request an administrative permit by including the following in or with the application:
 - i. Agreement to all of the permit terms and conditions in Subsection 26-5.4.7.
 - ii. All plans, documents, agreements and information necessary to establish compliance with all of the mitigation and environmental design criteria and standards in Subsection 26-5.4.3.E.
 - iii. Agreement to the standards and procedures in Subsection 26-5.4.4.D, including the environmental department director's discretion to deny an administrative permit and refer the application to the wetland review board as a new use permit application for purposes of any applicable time period for decisions.
 - iv. A copy of any contract for the work that identifies the cost and contractor and if there is no contract, an accurate cost estimate for the work and identification of the contractor who will be performing it.
 - v. An acknowledgment and agreement by the owners of the property to the recording with the register of deeds of a preservation notice for the areas of the property subject to regulation under this section.
- vi. Operations that have already been commenced, meaning that after-the-fact permits may not be approved administratively.
- vii. Property that exists in violation of township or state laws or ordinances or upon or for which there are unsatisfied township permit or approval conditions.
- viii. Operations allowed but not commenced and/or completed under a prior use permit approval that has expired in the last six (6) months.



- vi. An acknowledgement and agreement by the owners of the property that prior to issuance of the administrative permit, the property must be posted as being the subject of a pending permit request, that the proposed work and mitigation areas must be accurately staked and marked and that photographs of the property will be taken and available for public inspection at the environmental department.
- D. Administrative permit review. The environmental department director shall review an application for an administrative permit to determine if it is complete, and if it is not, shall provide written notice to the applicant of the additional requirements. If upon receiving and confirming an application to be complete, the environmental department director determines that an administrative permit should be issued, he shall proceed as provided in Subsection 26-5.4.4.E. If upon receiving and confirming an application to be complete, the environmental department director determines that the proposed operations warrant a broader review or believes that feasible and prudent alternatives exist, he shall provide written notice to the applicant that the administrative permit is denied and refer the application to the wetland review board as a new use permit application for review and decision as provided in Subsection 26-5.4.3.B.
- E. Administrative permit notice. Upon determining that an administrative permit should be issued, the environmental department director shall provide written notice of that determination by first class mail to all persons and associations entitled to notice of a public hearing under Subsection 26-5.4.6, and to the members of the wetland review board in the manner they designate. The notice shall also be given to the public by posting on the township's cable television station and web site and the environmental department director shall cause the property to be posted with a notice that it is the subject of a pending administrative permit request. In addition to the applicant's name, property address and description of the proposed operation, the notice shall also indicate:
- i. That the application is available for inspection at the environmental department during hours the township offices are open.
 - ii. The date on or after which environmental department director may issue the administrative permit which shall be at least twenty-one (21) days after the date the notice is given.
 - iii. Explain the right of persons, associations and wetland review board members entitled to the notice, to file written objections or challenges to the administrative permit on or before the date of intended permit issuance and that such objections or challenges must be based on and include some substantiation for claims that the environmental department director has not properly interpreted and/or applied this section in determining that the permit should be issued, that the proposed operations warrant a broader review by the wetland review board for specified reasons, or that specified feasible and prudent alternatives exist.
- F. Administrative permit decision. If no objections or challenges described in Subsection 26-5.4.4.E.iii are filed within the time allowed, the environmental department director shall approve the administrative permit for issuance subject to the appeal period under Subsection 26-5.4.6. If objections or challenges described in Subsection 26-5.4.4.E.iii are filed within the time allowed, the environmental department director shall provide copies to the applicant and may:
- i. Approve the administrative permit for issuance subject to the appeal period under Subsection 26-5.4.6, and shall provide written notice to all persons or associations that filed objections or challenges of the decision and their appeal rights; or
 - ii. Upon determining that the challenges or objections may have merit, provide written notice to the applicant that the administrative permit is denied and refer the application to the wetland review board as a new use permit application for review and decision as provided in Subsection 26-5.4.3.B.

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G. Administrative permit requirements. An administrative permit shall include a deadline for performance of the operations and mitigation established by the environmental department director and shall not be issued until the applicant has provided a cash bond, irrevocable letter of credit, secured promissory note or other form of performance guarantee approved by the township board, for one hundred twenty-five (125) percent of the cost of the work to assure the satisfactory and timely completion of the operations and mitigation and which shall be available to and enforceable by the township for that purpose upon the applicant's default.

H. Administrative permit appeals. Approval of an administrative permit may be appealed to the township board in the same time and manner and subject to the same process as provided in Subsection 26-5.4.6 by a property owner or occupant or subdivision or lake association that would be entitled to receive notice under that subsection.

5. Setback standards. Unless otherwise determined by the body undertaking the plan review, the following setbacks shall apply:

- A. A twenty-five-foot setback from the boundary or edge of a wetland.
- B. A twenty-five-foot setback from the ordinary high water mark of a watercourse.

6. Appeal of approval or denial. A decision on an application regarding a use permit application under this section may be appealed only to the township board and provided such appeal is received in writing by the township clerk within twenty-one (21) days of such decision. Notice that a timely appeal has been made shall be sent by first-class mail by the township clerk to property owners and occupants within three hundred (300) feet of the property on which the requested construction or operation is to take place. Such notice shall also be sent to all subdivision associations and lake associations registered with the township that are contiguous to the property or environmental feature affected and members of the body that reviewed and decided upon the application. The notice shall indicate that an appeal hearing has been requested, use permit being appealed, the appellant's name

and address; and the time, date and location of the hearing. A synopsis for the notice shall also be published in at least two (2) of the legally approved newspapers of general circulation in the township.

7. Conditions of issuance:

A. All operations permitted or approved by use permits shall be conducted in such a manner as will cause the least possible damage and encroachment or interference within the environmental feature setback and with the natural resources and natural processes within the watercourses and wetland areas in the township as defined in this chapter.

B. Unless the final permit approval by the wetland review board, planning commission or township board specifically decides otherwise, all of the standards, terms and conditions contained in Subsection 26-5.4.7.I shall apply and be considered a part of every use permit approved and issued under this section. In addition, a use permit approval by the township may:

- i. Impose such conditions in the manner and extent of the proposed operation/development use or structure or use activity as are necessary to ensure that the intent of this section is carried out;
- ii. Fix a reasonable time for the undertaking and completion of all operations; and
- iii. Require a cash bond or irrevocable letter of credit in such form and amount as determined necessary by the township to ensure compliance with the use permit.

C. The review and approval of an application to conduct an activity within an environmental feature setback may be done concurrently with the review and approval of site plans or subdivision plats. Use permits approved under this section shall expire within twenty-four (24) months of approval of the permit by the body undertaking the plan review, the date of issuance of such permit notwithstanding.

D. Prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved use permit which contains the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of the permit will be available for public inspection.



- E. Use permits for seasonal operations need not be renewed annually unless otherwise stated in the permit
- F. Any change which increases the size, scope, use or hours of operation must be examined as a new operation and shall require the filing of a new use permit application.
- G. Any temporary or permanent operation which is discontinued for one year or any seasonal operation which is discontinued for one season shall be considered terminated and the use permit automatically voided.
- H. A use permit shall be obtained prior to the issuance of building permits necessary for construction.
- I. The following terms and conditions shall apply and be considered a part of every use permit approved and issued under this section unless the final permit approval decision by the wetland review board, planning commission or township board specifically decides otherwise. Administrative permits may not be approved without all these terms and conditions:
 - i. A preconstruction meeting between the petitioner and the environmental department director or environmental department director's designee and any contractors/subcontractors is required prior to any construction. A copy of the permit shall be posted in a visible location onsite.
 - ii. At the time of the preconstruction meeting, the exact location of the request must be measured in the field by the environmental department director or environmental department director's designee and then field staked by the petitioner or any contractor prior to installation, which for seawalls shall include the exact location of the ordinary high water mark (OHWM) which shall be measured and documented using benchmarks in the field by the director or director's designee.
 - iii. Soil protection measures shall be installed prior to any construction and be inspected by the environmental department director or environmental department director's designee for proper location and installation.
- iv. The petitioner and his/her contractor (s) shall be responsible for maintaining all soil erosion and sedimentation control measures throughout the duration of the project with daily inspections.
- v. No materials (organic or inorganic), spoils, and/or equipment shall be stored within the wetland, environmental features setback area, and 100-year floodplain during and after construction.
- vi. No direct discharge of storm water, sump water, or wastewater unless pretreated is allowed to wetlands and/or watercourses. Any existing direct discharge must be eliminated and discharged in a location approved by the environmental department director or environmental department director's designee.
- vii. No fill material beyond the request shall be deposited within any wetland, environmental features setback area and/or 100-year floodplain and the existing vertical and horizontal contours of the shoreline shall be maintained in connection with all seawalls.
- viii. Any and all fill utilized for installation shall be from an approved source.
- ix. Any and all areas of mitigation, restoration, or planting within a wetland, environmental features setback area and 100-year floodplain shall be planted with native/indigenous plants (trees, shrubs, herbs, and/or vines) only in accordance with the wetland/environmental mitigation manual.
- x. Ongoing monitoring by the environmental department director or environmental department director's designee shall be conducted with inspection reports recorded in the case file.
- xi. A final inspection by the environmental department director or environmental department director's designee shall be conducted with a report added to the case file.
- xii. The petitioner shall be responsible for the integrity of all landscaping materials in the mitigation areas for a period of twenty-four (24) months, and replace any vegetation that dies.

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- xiii. Invasive and noxious plant eradication by herbicide applications must be completed by a certified applicator with documentation of the work upon completion submitted to the environmental department.
- xiv. The petitioner shall be responsible for installation of department approved preservation signage.
- xv. The property owner(s) shall be given a copy of the township's fertilizer ordinance.
- xvi. A preservation notice and an accompanying recordable size site plan showing the wetland, environmental features setback area, and 100-year floodplain shall be recorded for the property indicating that the preservation methods have been employed to protect the environmental features and cannot be disturbed without a permit.
- xvii. The petitioner shall place sufficient funds in an escrow account to cover the costs connected with the application, including consultant fees, issuance of a permit, and monitoring.
- xviii. The initiation of any work on a permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of the permit.

- 8. Penalties and enforcement:
 - A. Any person found guilty of violating any of the provisions of this section shall be punished as provided in the Township's code of ordinances and may be cited for each day of violation. The township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, abate or restrain the violation.
 - B. In addition to the provisions contained here and above, the body undertaking the review, at a formal meeting, shall have the authority to direct the planning and environmental staff to notify the supervisor that a stop work order shall be issued upon any project for development, with concurrence of the supervisor, when it is determined that a violation has occurred. And if it is not issued, the supervisor shall notify the body

undertaking the review in writing within forty-eight (48) hours of the reason for non issuance.

5.5 EXTERIOR APPLIANCES

It is the intent of the ordinance from which this section derives, to burden the property served by the exterior appliance with the noise and other nuisances resulting from such outdoor units.

- 1. Location
 - A. Exterior appliances and any required screening shall only be permitted within a side or rear yard and may project within a required side or rear yard setback a maximum of three (3) feet; however, in no case shall an exterior appliance and any required screening be located closer than five (5) feet from a property line. On a corner lot or the front or side yard abutting a street shall be considered as one (1) continuous front yard for the purpose of this section.
 - B. Appliances within a side yard or in a rear yard (lakeside): In addition to the regulations above, all units located within any side yard or rear yard (lakeside) shall be completely screened on all sides by any combination of the following: 1.) building wall, 2.) opaque fence, or 3.) opaque or evergreen landscaping. All screening shall be a least the height of the appliance and must comply with the following:
 - i. The sound generated by one (1) or the cumulative sound generated by one (1) or more exterior appliances shall not exceed sixty-five (65) decibels when measured at a height of five (5) to seven (7) feet at any point on the property line, as determined by the township at the cost of the property owner.
 - ii. Such units shall be provided with air discharge outlet directed vertically upwards, with the exception of auxiliary power generators that may discharge from the side.
 - iii. Following installation, no operation shall be permitted until a noise test is administered by the township, with the exterior appliances under load for the purpose of ensuring that the noise requirement of this section is met, at the cost of the property owner.



2. Roof appliances

- A. Roof appliances, in all zoning districts, shall be screened on all sides by an opaque screen, which shall be at least the height of the appliance and shall be compatible with the architectural design of the building. All proposed screening shall be illustrated on the applicable plans submitted to the Township. Roof appliances shall include, but not be limited to, air conditioners, heating units, duct works, filters, power generators, compressors and transformers. Not included in this category are chimneys, flagpoles and antennas.
 - i. One-Family Residential: Roof appliances and any required screening shall not exceed the height requirement of the district and shall be compatible with the architectural design of the building.
 - ii. Non-residential/multiple family: Rooftop equipment may cover no more than fifteen (15) percent of the total area of the rooftop, provided that such equipment does not exceed fifteen (15) feet in height. All such rooftop equipment shall be screened from the public view with materials that complement the building and setback at least fifteen (15) feet from the edge of the roof if the screening height is greater than five (5) feet. If used, a parapet shall not exceed three (3) feet in height.

3. Generators

- A. In addition to the placement and screening requirements listed above, auxiliary power generators shall use natural gas as their fuel and shall be enclosed within a cabinet that is sufficiently insulated so that such devices comply with the noise standards of subsection 5.11.6. Periodic cycling, e.g., testing or maintenance, shall be permitted only between 9:00 a.m. to 5:00 p.m., Monday through Friday.

5.6 OUTDOOR LIGHTING

The purpose and intent is to establish outdoor lighting standards that reduce the impacts of glare, light trespass, over-lighting, sky-glow, and poorly shielded or inappropriately directed lighting fixtures, and that promote safety and encourage energy conservation.

- 1. General outdoor lighting standards.
 - A. All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways.
 - B. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
 - C. The requirement for full cut-off fixtures may be waived for ornamental lighting which is part of an overall architectural theme, as approved by the planning commission. The planning commission may require ornamental lighting for commercial sites along Orchard Lake Road, with a style of lighting consistent with surrounding sites.
 - D. Flashing, revolving or intermittent exterior lighting visible from any property line or street shall be prohibited. High intensity light beams, such as, but not limited to, outdoor searchlights, lasers or strobe lights shall be prohibited.
 - E. In parking lots, light fixture poles shall not exceed sixteen (16) feet in height.
- 2. Photometric plan. A photometric plan shall be submitted for site plan review or amendment when exterior lighting is proposed or altered. Photometric plans shall be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP) or a state licensed professional engineer, architect, landscape architect or surveyor. Photometric plans shall include the following:
 - A. A plot plan not more than one (1) inch = twenty (20) feet minimum.
 - B. Illumination calculations showing:
 - i. Light levels in footcandles at points located on ten-foot center grid;
 - ii. Maximum to minimum ratio;
 - iii. Average maximum to minimum ratio;
 - iv. Uniformity level.

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- C. A fixture schedule showing:
 - i. Fixture design;
 - ii. Type of lamp;
 - iii. Wattage of each fixture (chart form) wattage should not exceed two hundred fifty (250) watts;
 - iv. Manufacturer's cut sheet or detail sheet.
- D. Manufacturer's photometric data for each type of light fixture, pole and building mounted. These details may be on the photometric plan or a separate sheet within the submission the same size as all other pages.
- E. The pole and base (mounting) for each type of light fixture. These details may be on the photometric plan or a separate sheet within the submission the same size as all other pages.
- 3. Outdoor lighting standards for nonresidential uses.
 - A. Light fixtures under any structural, fixed canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare. The bottom of the fixtures may protrude a maximum of two (2) inches from the ceiling. The vertical elevations of the canopy shall not be illuminated.
 - B. The average maintained lighting levels shall not exceed the following standards:
 - i. Five (5) footcandles for parking lot and other areas. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
 - ii. Ten (10) footcandles along fronts of buildings and along main drive aisles. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
 - iii. Twenty (20) footcandles for high security areas, such as, but not limited to automated teller machines (ATMs), motor vehicle display areas and vehicle fuel station canopies, but not including parking lots. The maximum to average ratio shall not exceed 1.5 to 1 for canopy lighting, and 2.5 to 1 for pole- or building-mounted lighting. Lighting levels shall be reduced to a maximum of ten (10) footcandles after the close of business.
 - C. Lighting levels shall not exceed 0.5 footcandles at any common property line with property, used, zoned or planned for residential uses.
- 4. Outdoor lighting standards for recreational sports facilities lighting.
 - A. The average maintained lighting levels for recreational uses, other than professional sports teams, shall not exceed the following:
 - i. Fifty (50) footcandles in the infield and thirty (30) footcandles in the outfield for baseball/softball. However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - ii. Fifty (50) footcandles for football/soccer fields. However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - iii. Fifty (50) footcandles for tennis courts. However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - iv. Thirty (30) footcandles for basketball courts. However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - v. Five (5) footcandles for golf related facilities (twenty (20) footcandles maximum for driving range tees). However, the maximum lighting level to average lighting level ratio shall not exceed 2 to 1.
 - vi. Five (5) footcandles for parking lots. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
 - B. All light fixtures/light poles shall be set back a minimum of one (1) foot for every foot in height from any residential property line or right-of-way.
 - C. Lighting levels shall not exceed 0.5 footcandles at any common property line with property zoned, used as, or planned for residential or agricultural uses.
 - D. All lighted recreational sports venues shall be turned off within one-half hour after the games are over or the facility's operations are complete, preferably with override timing devices which will automatically turn off the lights.



5. Outdoor lighting standards for buildings, statues, other manmade objects and landscapes. Spotlighting or floodlighting used to illuminate buildings, statues, signs or any other objects mounted on a pole, pedestal or platform, or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward. Directional control shields shall be used where necessary to limit stray light and to protect motorists and pedestrians from glare.
6. Outdoor lighting standards for residential uses.
 - A. Floodlighting in residential areas shall be directed away from and shielded from residences on neighboring lots.
 - B. Residential floodlighting units shall be limited to one hundred fifty (150) watt maximum lamps in reflector-type enclosures and shall be located so that the beam cannot directly strike a neighboring residence, outside deck, pool or patio.

5.7 LOT ACCESSIBILITY

1. No lot or parcel of land shall be used for any purpose as set forth in this chapter, with the exception of single-family dwellings, unless the lot or parcel abuts a public street.
2. The location and design of driveways providing vehicular ingress to and egress from a site, in relation to streets and drives to adjacent property giving access to the site, and in relation to pedestrian traffic shall be subject to review as part of site plan approval or amendment.
3. A single-family dwelling may be constructed on a lot or parcel which fronts on a permanent and unobstructed easement, providing access to a public street, providing the easement has a minimum width of sixty (60) feet. Included in this easement shall be turnaround areas one hundred twenty (120) feet in diameter at six hundred-foot intervals and at the end of the

easement. The easement shall be improved to the county road commission standards for local roads, including proper drainage, which shall be reviewed and approved by the township. The easement shall include provisions for the construction and installation of public utilities including natural gas, electric and telephone service. Required yards and setbacks shall be measured from the outside edge or boundary of the access easement. The provisions of this section shall not be applied to developments which have been subject to site plan approval.

4. In approving the site plan the planning commission may require service roads equal in length to the frontage of the property involved. Occupancy permits shall not be issued until an easement is given and improvement is physically provided or security is posted with the township for the completion of the service road as provided in this chapter in accordance with Subsection (1) below.
 - A. In B-1, B-2, B-3, O-1, O-2, OR-1, R-0 or I-L districts the following shall apply unless specified by the planning commission:
 - i. The service road shall be adjacent to the existing and/or proposed street right-of-way and shall be at least twenty-four (24) feet wide. The service road shall be in an easement which will permit the use of the service road for traffic circulation from one (1) property to another. The easement shall be in a form acceptable to the township board.
 - ii. Where service roads are required, the planning commission shall recommend that the entire twenty-four-foot area be paved up to abutting properties. Backing from parking spaces onto the service road shall not be permitted except on a temporary basis.
 - B. In B-1, B-2, B-3, O-1, O-2 or OR-1 districts the following additional requirements shall apply unless specified by the planning commission:
 - i. In reviewing the site plan the planning commission may permit parking in the easement area provided that the layout is such that the parking can be removed at a later date when the service road is needed for access to adjacent properties, without disrupting the layout of the parking area. Temporary parking space permitted



within the service road shall not be included in computing the minimum off-street parking requirements under Section 26-5.8.

- ii. Where service roads are required, the planning commission shall recommend that the entire twenty-four-foot area be paved up to abutting properties. Backing from parking spaces onto the service road shall not be permitted except on a temporary basis.
- iii. No permanent structures such as curbs shall be permitted within the easement or right-of-way although temporary features such as wheel stops may be permitted. Each property owner shall be responsible for the maintenance of the easement so that it remains usable as a means of getting from one (1) property to another.

5.8 PARKING REQUIREMENTS

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

- 1. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- 2. Residential off-street parking spaces for single-family and two-family dwellings shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 26-5.1.
- 3. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- 4. Off-street parking existing on June 1, 1966, or upon amendment hereto, in connection with the operation of an existing building or use shall not be reduced to an amount less than

hereinafter required for a similar new building or use.

- 5. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- 6. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.
- 7. The storage of merchandise, motor vehicles for sale, trucks, wrecked or junked vehicles or the repair of vehicles is prohibited.
- 8. For uses not specifically listed in Subsection 5.8.11, the requirements for off-street parking spaces shall be in accord with a use which is similar in type. For uses where the determination of required parking spaces is based on usable floor area, a site plan approval or amendment, applicant may submit a proposal and supporting documentation for determination and approval of required parking spaces based on actual usable or net leasable square footage, or other appropriate basis for measuring and determining required parking recognized in this section, as an alternate basis for calculating required parking spaces. Any approval of an alternate proposal under this subsection shall be by the planning commission, in its discretion, and may include conditions.
- 9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one (1) parking space.
- 10. For each use an adequate number of parking spaces shall be provided so that no vehicle shall be permitted to wait or stand within a public right-of-way.
- 11. The number of required parking spaces necessary for permitted and special land uses within the township is as follows, with references to usable floor space, gross leasable area, gross leasable floor area and usable gross leasable area, meaning usable floor area, which is defined in Section 26-2.1, is eighty (80) percent of gross floor area:



Parking Space Requirements by Use	
Use	Standard (Minimum Number of Parking Spaces Per Unit of Measure)
A. Residential	
i. Senior housing	
a. Senior independent living	1 for each dwelling unit and 1 for each employee
b. Senior assisted living	1 for each 2 dwelling unit and 1 for each employee
B. Institutional	
i. Churches/temples	1 for each 3 seats or persons permitted to capacity or 1 for each 6 feet of pews in the main unit of worship, whichever is greater
ii. Hospitals	2.7 for each 1 bed plus parking for related uses
iii. Convalescent care, homes for the aged, and nursing homes	1 for each 3 beds
iv. Elementary and junior high school	1 for each 1 teacher, administrator, and other day employee or 1 for each 3 persons permitted in the auditorium or assembly hall, whichever is greater
v. Fraternity or sorority	1 for each 5 permitted active members, or 1 for each 2 beds, whichever is greater
vi. Senior high schools	1 for each 1 teacher, administrator, and other day employee, and 1 for each 4 students over the driving age, or the requirements of the auditorium, stadium or sports arena, whichever is the greater
vii. Private clubs or lodges	1 for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health code
viii. Private tennis club or other similar uses	6 for each 1 tennis court plus spaces required for each accessory use
ix. Stadium, sports arena, or similar place of outdoor assembly	1 for each 3 seats of 6 feet of benches
x. Theaters and auditoriums	1 for each 3.4 seats plus 1 for each 2 employees
xi. Golf club (private) and swimming pool club (private)	1 for each 4 member families and individual members
xii. Golf club (public) except miniature or par-3 courses	6 for each 1 golf hole and 1 for each employee plus spaces required for each accessory use such as a restaurant or bar
xiii. Nursery school, day nurseries or child care centers	1 for each 350 square feet of usable floor space plus 1 space for each employee, plus one 10× 20 foot passenger loading space per each 5 children the center is licensed to accommodate
xiv. Library or museum	1 for each 350 square feet of gross floor area

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Parking Space Requirements by Use (Continued)

Use	Standard (Minimum Number of Parking Spaces Per Unit of Measure)
xv. Health clubs and facilities	1 for each 50 square feet of gross floor area
xvi. Swimming pools (public)	1 for each 4 persons permitted under maximum capacity of the facility
C. Commercial:	
i. Auto wash (automatic)	2 plus 1 for each 1 employee plus 1 for each vacuum station or similar area plus parking for accessory uses
ii. Auto wash (self-service or coin-operated)	1 plus 1 for each employee plus 1 for each vacuum station or similar area
iii. Beauty parlors and barbershops	3 spaces for each of the first 2 chairs/locations for hair styling, manicure or similar activity, and 1 1/2 spaces for each additional chair/location
v. Bowling alleys	5 for each 1 bowling lane plus parking for accessory uses
vi. Dance halls, pool or billiard halls, roller rinks, and assembly halls without fixed seats	1 for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
vii. Establishments for sale and consumption of beverages, food or refreshments:	
a. Sit down (on-site consumption)	1 for each 70 square feet gross floor area; or 1 for each 2 employees plus 1 for each 2 customers allowed under maximum capacity (including waiting areas), whichever is greater
b. Fast food (sit-down restaurant with or without drive-through pickup window)	1 for each 60 square feet gross floor area; or 1 for each 2 employees plus 1 for each 2 customers allowed under maximum capacity, (including waiting areas), whichever is greater
a. Walk-up restaurants (e.g. ice cream stand)	1 for each employee plus 15 spaces for the first service window and 10 spaces for each additional window plus 1 for every 2 persons allowed in seating areas (if provided)
viii. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	1 space for each 800 square feet of usable floor area, and 1 additional space for each 2 employees working in processing areas
ix. Gasoline stations:	
a. Service stations with rack/pit areas for oil change, tire change and similar nonrepair services	2 for each lubrication stall, rack or pit; and 1 for each gasoline pumping area; and spaces for accessory uses

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Parking Space Requirements by Use (Continued)	
Use	Standard (Minimum Number of Parking Spaces Per Unit of Measure)
b. Gasoline fueling station with accessory retail sales of convenience items	1 for each gasoline pumping area plus spaces for accessory uses
x. Laundromats and coin-operated dry cleaners	1 for each 2 washing and/or dry cleaning machines
xi. Shopping centers	1 for each 192 square feet gross leasable area (GLA) for developments under 400,000 square feet (5.2 spaces per 1,000 square feet GLA); for centers between 400,000 and 600,000 square feet, 1 for each 182 square feet of GLA (5.5 spaces per 1,000 sq. ft. GLA); for centers over 600,000 square feet and less than 1,000,000 square feet GLA, 1 for each 172 sq. ft. GLA (5.8 spaces per 1,000 sq. ft. GLA); for centers 1,000,000 sq. ft. GLA and larger, 1 for each 192 sq. ft. GLA (5.2 spaces per 1,000 sq. ft. GLA)
xii. Miniature or "par-3" golf courses	3 for each 1 hole plus 1 for each 1 employee
xiii. Mortuary establishments	1 for each 50 square feet of assembly room usable floor space, parlors, and slumber room
xiv. Motel, hotel or other commercial lodging establishments	1 for each 1 occupancy unit plus 1 for each 1 employee, plus parking for accessory uses
xv. Golf courses, open to the general public, except miniature or par-3 courses	6 for each golf hole and 1 for each employee plus spaces required for each accessory use such as a restaurant or bar.
xvi. Motor vehicle sales and service establishments	1 for each 200 square feet of usable floor area or sales room and 2 for each 1 auto service stall or 1 auto body stall
xvii. Trailer court	2 for each trailer site
xviii. Retail stores except as otherwise specified herein	1 for each 175 square feet of gross leasable floor area (5.7 per 1,000 sq. ft.)
xix. Conference and exhibition facilities	1 for every 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes. Requirements for hotel, motel, restaurants, lounges, offices and other uses associated with a conference facility shall also be met
xx. Nursery or greenhouse	1 for each 300 square feet of interior gross floor area plus 1 for each 500 square feet of greenhouse sales area (including outdoor sales area of flats and similar smaller landscape materials) plus 1 for each 5,000 square feet of exterior nursery sales area dedicated to larger stock items such as trees, shrubs, and bulk items (non-living). For greenhouse and exterior nursery areas not open to the public, 1 space for each peak season employee



Parking Space Requirements by Use (Continued)

Use	Standard (Minimum Number of Parking Spaces Per Unit of Measure)
xxi. Oil change facility	2.5 for each service bay
xxii. Hardware/building supply store (freestanding)	1 per 240 square feet of gross floor area, interior and exterior (4.2 per 1,000 sq. ft.)
xxiii. Banquet halls	1 for each 3 persons permitted under maximum capacity
D. Offices:	
i. Banks	1 for each 150 square feet of usable gross leasable area (6.7 spaces per 1,000 sq. ft. GLA)
ii. Business or professional offices except as indicated in the following item (3)	1 for each 222 square feet GLA (4.5 spaces per 1,000 sq. ft. GLA) for buildings up to 100,000 square feet. For buildings greater than 100,000 square feet, 1 per 286 square feet GLA (3.5 spaces per 1,000 sq. ft. GLA)
iii. Professional offices of doctors, dentists, veterinarian or similar professions; outpatient clinics	1 for each 167 square feet GLA (6 spaces per 1,000 sq. ft. GLA) for buildings up to 5,000 square feet. For buildings greater than 5,000 square feet, 1 per 175 square feet GLA (5.7 spaces per 1,000 sq. ft. GLA)
E. Industrial:	
i. Industrial establishments	5 plus 1 for each 1 1/2 employees in the largest working shift or 1 per 800 square feet of gross floor area, whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction
ii. Research and development facility	3 spaces per 1,000 square feet (1 for each 333 sq. ft.) of gross floor area
iii. Warehouses and wholesale establishments	5 plus 1 for every 1 employee in the largest working shift, or 1 for every 1,700 square feet of usable floor space, whichever is greater
iv. Automotive repair and service establishment, public garage	2 for each 1 auto service stall or 1 auto body stall plus 1 space for every employee
v. Mini-warehouse	5 spaces at the office. Access to individual storage units shall provide for loading/unloading of vehicles adjacent to units without impeding thru traffic flow

12. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this chapter. Off-street parking shall not be permitted within a front yard nor within a minimum side yard

setback unless otherwise provided in this chapter.

13. Parking for handicapped persons shall be provided on site in accordance with Act No. 8 of the Public Acts of Michigan of 1973 (MCL 125.1361, MSA 3.447(131)), as amended, and in the following amounts:

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Barrier Free Parking	
Total Parking Spaces	Handicapped Parking Spaces
0-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000+	2% + 1 for each 100 spaces over 1000

14. The planning commission may require or allow parking spaces to be provided by land banking as described in Section 26-5.9.
15. Guest parking in the RM multiple-family residential district. There shall be provided guest parking spaces at the rate of 0.25 space for each dwelling unit within the multiple-family development. These spaces will be in addition to the parking required for each unit and shall not be located in the apron driveway between the street and an attached one-car garage. Where a multiple-family dwelling is provided with an attached two-car garage, one (1) of the guest parking spaces may be counted in the driveway apron between the garage and the street, providing such apron is a minimum of twenty (20) feet long. Fractional spaces shall be considered a full space.
16. Location of parking areas in B4 restricted general commercial district:
 - A. No parking areas shall be located in the proposed future right of way as established by the county road commission.
 - B. Parking may be permitted in the minimum front yard setback and in a proposed right-of-way, provided that approval of the parking layout and points of access are obtained from the planning commission. A greenbelt shall be maintained between the parking area and the existing road right-of-way, as specified in this section.
 - C. Required off-street parking facilities shall be located within three hundred (300) feet

of the use requiring such parking, as measured along the lines of pedestrian access between the nearest point of the parking area and the nearest point of the building or use to be served.

5.9 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirements in section 26-5.8 require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the building inspector. Applications for a permit shall be submitted in such form as may be determined by the building inspector and shall be accompanied by two (2) sets of plans for the development and construction of the parking lot showing the provisions of this section will be fully complied with. Plans for P-1 district parking shall be submitted to the planning commission for approval.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:
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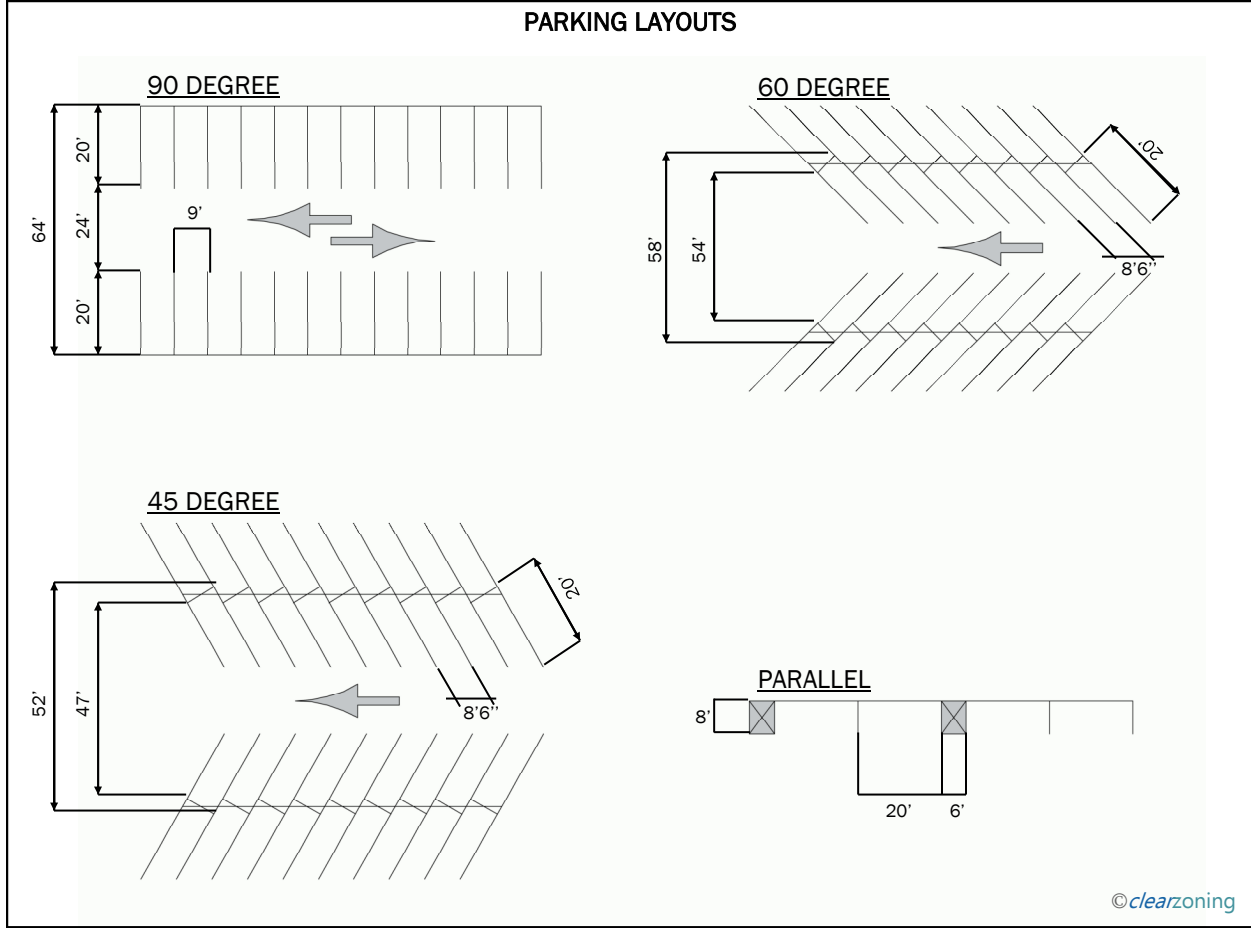
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Off-Street Parking Requirements					
Parking Pattern Degrees	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	24 ft.	9 ft.	20 ft.	44 ft.	64 ft.

Ninety-Degree Parking Sliding Scale			
Stall Width	9 ft.	9 ft. 6 in.	10 ft.
Stall Length	20 ft.	20 ft.	20 ft.
Driveway Width	24 ft.	22 ft.	20 ft.
Total width of 2 parking bays plus maneuvering lane	64 ft.	62 ft.	60 ft.
Area required per car (in double bay)	288 sq. ft.	294.5 sq. ft.	300 sq. ft.



3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across land zoned for residential use.
5. All maneuvering lane widths shall permit one-way traffic movement, with the exception of the ninety-degree pattern where two-way movement may be permitted.
6. Each entrance and exit to and from such parking lot shall be at least twenty-five (25) feet distant from any adjacent property located in any residential district.
7. The parking area shall be provided with a continuous and obscuring masonry wall, five (5) feet in height measured from the surface of the parking area. This wall shall be provided on all sides where the abutting zoning district is designated as a residential district except where a street is the boundary of the district. When a front yard setback is required, all land between the wall and boundaries of a P-1 District shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly appearance.
8. The entire off street parking area, including parking spaces, drives, aisles and maneuvering lanes shall have asphaltic or concrete surfacing in accordance with specifications approved by the building department. Such facilities shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. The parking area shall be surfaced within one (1) year of the date the building permit is issued.
 - A. At the time of site plan approval and a discretionary determination that it is appropriate, the planning commission may allow or require land banking of up to twenty (20) percent of the required parking spaces and related drives and aisles shown on the site plan. Land banking shall mean the installation of landscaping within those areas that would otherwise be required to have an asphaltic or concrete parking surface but would rarely be utilized in the day to day operation of the site. In

the event land banking is permitted or required by the planning commission, it shall be improved as a landscaped greenbelt according to a landscape design approved by the planning commission, which shall be in addition to all other requirements of the site plan. The landscape design shall include no less than one (1) tree per five (5) land banked parking spaces which shall be integrated with the overall landscape plan for the site provided such trees are not located within the areas which may be converted back to required hard surfaced parking.

- B. At the time of site plan approval and a discretionary determination that is appropriate, the planning commission may also allow or require, an additional ten (10) percent of the required parking lot area that is otherwise required to have an asphalt or concrete surface, to be improved with an alternative all weather, stable parking surface approved by the township engineer.
 - C. Site plan approval of land banked parking and/or an alternative parking surface under subsections A or B above shall be subject to the planning commission's authority, with or without the property owner's request or agreement, to determine that some or all land banked parking is needed to satisfy parking needs on the site and/or that the alternative all weather surface is not performing at an equivalent level with the conventional asphalt or concrete parking surface, and based on such determination(s) to require that those areas be improved with the asphalt or concrete surface as indicated on the approved site plan. Installation of such asphalt or concrete surface shall be secured by written agreement of all property owners that shall be provided prior to building permit issuance in a form acceptable for recording and approved by the township and a performance guarantee that is provided prior to issuance of any certificate of occupancy in a form and amount approved by the township.
9. Parking area lighting:
 - A. All lighting used to illuminate any off-street parking area shall not exceed thirty (30) feet in overall height above ground level and shall be so installed as to be confined within and directed on the parking area only.

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- B. Lighting in B-4 restricted general commercial districts. All lighting used to illuminate any off-street parking area shall not exceed fifteen (15) feet in overall height above ground level, shall be so installed as to be directed onto the parking area only, shielded from adjoining property or thoroughfares and shall be part of site plan review and approval.
 - C. Lighting in I-OP industrial-office park districts. All pole-mounted lighting, including street lights, shall be limited to fixtures no higher than twenty (20) feet. All outdoor lighting shall be shielded to reduce glare and shall be directed so as not to interfere with the vision of persons on adjacent roadways or properties. Lighting along the periphery of parking areas shall be located within the landscaped yards. The planning commission will review the lighting plans for consistency in height, style and color with adjacent sites and to the overall development.
10. The board of appeals, upon application by the property owner of the parking area, may modify the yard and wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
11. In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
12. Drive through lanes, route or path designated for customer to drive a motor vehicle onto the premise for the purposes of receiving goods or services without the driver exiting the vehicle shall comply with the following requirements:
- A. Drive-through lanes shall be separate from circulation routes and lanes necessary for ingress to and egress from the property.
 - B. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
 - C. Drive-through lanes shall have a minimum width of ten (10) feet.
 - D. Drive-through lanes shall have a minimum center line radius of twenty-five (25) feet.
 - E. Drive-through lanes shall be striped, marked or otherwise distinctly delineated.
 - F. Drive-through lanes shall have a minimum stacking space in accordance with the following standards:

Uses Served by Drive-through Lane	Minimum Stacking Requirements (per lane)
Restaurant with drive-through facilities	The distance between the order board and the pickup window shall store 4 vehicles, and 5 vehicles shall be stored in advance of the menu board (not including the vehicles at the pick-up window and menu board)
Financial institution, including drive-up ATM machines	6 vehicles inclusive of the vehicle
Car wash (coin-operated)	3 vehicles in advance of the washing bay and storage for 2 vehicles beyond the washing bay as drying and vacuum area
Car wash (fixed location/automatic, when accessory to a gas station)	8 vehicles in advance of the washing bay and storage for 2 vehicles beyond the washing bay as a drying area
Car wash (tunnel)	25 vehicles prior to the tunnel (may be in multiple lanes) and 3 vehicles beyond the tunnel for drying areas
Dry cleaners	4 vehicles inclusive of the vehicle at the window
Pharmacies	3 vehicles inclusive of the vehicle at the window
Other uses	For uses not listed above, the planning commission shall make a determination of the minimum required vehicle stacking at the time of site plan review, based upon analysis by the township staff or consultants



13. Access drives in B-4 restricted general commercial districts.

A. All off-street parking areas shall have access from clearly limited and defined driveways not less than sixteen (16) feet wide for a one-way drive and twenty-two (22) feet wide for a two-way drive. Construction within the road right-of-way for driveways shall be under permit from the county road commission and/or the state department of transportation, whichever is appropriate. Permit review is required prior to the granting of site plan approval.

B. Any access drive to a required parking area shall be at least twenty-five (25) feet distant from any adjacent property that is zoned or used for residential purposes.

14. The traffic circulation features within the site and location of automobile parking areas shall ensure the safety and convenience of both vehicular and pedestrian traffic within the site and in relation to access streets and satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

5.10 OFF-STREET LOADING AND UNLOADING

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

1. All spaces in B-1, B-2, B-3, O-1 and O-2 districts shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except that in the instance of O-1 and O-2 districts loading space shall be provided in the ratio of five (5) square feet per front foot of building. Where any alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley.
2. All spaces in an R-O and I-L district shall be laid out in the dimension of at least ten (10) by fifty (50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall

be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces shall be provided in the following ratio of spaces to usable floor area:

Gross Floor Area (in square feet)	Loading & Unloading Space Required in Terms of Square
0--1,400	None
1,401--20,000	1 space
20,001--100,000	1 space plus 1 space for each 20,000 square feet in excess
100,001 and over	5 spaces plus 1 space for each 40,000 square feet in excess

3. In the I-OP industrial-office park districts, loading areas may be located in side or rear yards; however, side yard loading areas shall not face public or private streets outside of the industrial district and shall be screened from view within the front yard where practical through the use of berms, landscaping and/or screening walls. The loading area shall be provided as prescribed in Section 26-5.10. The site plan shall include a statement as to the frequency of shipping and receiving activities to determine if there will be a need for a truck staging area. Loading areas shall be designed so as not to interfere with parking and circulation, and to prevent the backing of trucks or other vehicles onto a public street or general circulation drive.

5.11 PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within any use district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within the area:

1. Smoke.
 - A. It shall be unlawful for any person to permit the emission of any smoke from any source whatsoever to a density greater than that density described as No. 1 of the Ringelmann Chart; provided, that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann chart for a period or periods

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- aggregating four (4) minutes in any thirty (30) minutes.
- B. Method of measurement: For the purpose of grading the density of smoke, the Ringelmann Charts, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringelmann's Chart.
2. Dust, dirt and fly ash.
 - A. No person shall operate or cause to be operated, or maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using such process of furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas-borne or air-borne solids of fumes emitted into the open air, which is operated in conjunction with the process, furnace or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
 - B. Method of measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent of full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.
 3. Outdoor storage. In all zoning districts, outdoor storage of goods, materials, wood, lumber, merchandise, equipment, or vehicles shall comply with applicable provisions of Section 4.30 of this chapter and applicable regulations of Chapter 10, Article IV of the Code of Ordinances. Except as otherwise allowed under Chapter 10 Article IV, all permitted outdoor

- storage shall be located in the rear yard only and shall be screened by a solid enclosure consisting of a fence or wall not less than the height of the outdoor storage, subject to the provisions of Section 26-5.13 of this chapter. The area of outdoor storage shall be included in the lot coverage calculation for maximum lot coverage pennitted on a lot as defined in Section 26-2.1 and is subject to the provisions of Section 26-3.5 of this chapter.
4. Glare and radioactive materials. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard or to exceed one hundred (100) footcandles when measured along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed either quantities established as safe by the United States Bureau of Standards, or 0.2 roentgen equivalent man per year, when measured at the property line.
 5. Fire and explosive hazards. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Act. No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended.
 6. Noise. Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses and shall not exceed eighty-five (85) decibels when measured at the property line.
 7. Odors. Creation of offensive odors shall be prohibited.
 8. Shocks. Shock waves shall not exceed two and one-half (2.5) pounds per square inch when measured by gauge at the property line.

5.12 SCREENING REQUIREMENTS (FENCES, WALLS, BERMS, AND LANDSCAPE BUFFERS)

1. For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential or recreational district an obscuring fence or greenbelt equal to the dimensions specified below:



Use	Dimensions
P-1 vehicular parking district	5-foot-high obscuring fence (see section 26-5.9)
Off-street parking area (other than P-1 districts)	5-foot-high obscuring fence
B-1, B-2 and O-1 and O-2 districts	5-foot-high obscuring fence
R-O and I-L districts	5-foot-high obscuring fence or 6-foot-high chainlink-type fence and a 20-foot-wide greenbelt planted in accord with the minimum requirements of section 26-5.14
Outdoor storage in R-O and I-L districts	6-foot-high obscuring fence in accord with section 26-3.5.M
Utility buildings, stations and/or substations	5-foot-high obscuring fence
Auto wash, drive-in/fast food restaurant	6-foot-high obscuring fence

2. Screening in B-4 general commercial districts. In B-4 general commercial districts, a continuous fence or wall shall be provided on all sides where the adjacent property is zoned for residential purposes. The area adjacent to the wall or fence shall be landscaped and maintained in accordance with this section. The following are permitted types of screening in B-4 restricted general commercial districts:
- A. Fence or wall. An obscuring fence or wall may be permitted where a screen is required, subject to the following conditions:
- i. All obscuring fences and walls shall be constructed to meet all standards of applicable township ordinances and shall be adequately maintained in a safe and structurally sound condition.
 - ii. Required obscuring walls shall be constructed of brick, poured concrete which simulates standard brick facing or masonry material. Concrete or cinder blocks shall not be permitted.

- iii. Required obscuring fences shall be constructed of redwood, cedar, or No. 1 pressure-treated wood. Chain link fences shall not be permitted for screening purposes.
- iv. Required obscuring fences or walls shall have a minimum height of six (6) feet. No fence or wall shall be higher than four (4) feet above the grade of the surrounding land in any required front yard, or on any lot line bordering a required front yard or street side yard. No fence or wall shall be located so as to obscure the line of sight for motorists or to cause hazardous traffic conditions.
- v. Barbed wire, spikes, nails or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.
- vi. Bumper stops, curbing or wheel chocks shall be provided in any driveway, parking aisle or parking space that is adjacent to required screening in order to prevent any vehicle from damaging or encroaching upon such required screening. Bumper stops, curbing or wheel chocks shall be placed a minimum distance of three (3) feet from any required fence, wall or other screening.
- vii. Required obscuring walls or fences shall be located on the lot line except where underground utilities interfere. Upon review of the site plan, the planning commission may approve an alternate location for a required wall or fence if the effectiveness of the screen is not lessened and the alternate location does not affect adjoining properties.
- viii. At least one (1) twelve-foot-high tree shall be planted at thirty-foot intervals adjacent to an obscuring fence or wall.
- ix. The required planting area shall be curbed or edged and shall contain grass, ground cover, six-inch-deep wood chips, or six-inch-deep crushed stone.

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- B. Landscaped buffer. A landscaped buffer may be permitted where a screen is required, subject to the following conditions:
- i. A landscaped buffer/screen shall consist of a strip of trees and other plantings at least ten (10) feet in width, forming a complete visual barrier at least five (5) feet high.

- ii. All trees shall be evergreens.
- iii. The buffer planting area shall be curbed or edged and shall contain grass, ground cover, six-inch-deep wood chips, or six-inch-deep crushed stone.
- iv. The following species and spacing are recommended for use in the buffer strip:

Common Name	Scientific Name	Max. Height (Feet)	Center-to-Center Spacing (Feet)
"Burki" Red Cedar	Juniperus in Virginia "B"	20	5
Stone Pine	Pinus cembra	35	10
Mugo Pine	Pinus mugo	10	5
American Arborvitae	Thuja occidentalis	25	5
Canadian Hemlock	Tsuga occidentalis	65	12
Serbian Spruce	Picea omoriac	50	10
Irish Juniper	Juniperus communis	10	3
White Fir	Abies concolor	20	8
Japanese Cryptomeria	Cryptomeria japonica	40	8
Australian Pine	Pinus nigra	65	10
Juniper	Juniperus chinensis	18	5

- C. Landform or landscaped berm. A landform may be permitted where a screen is required, subject to the following conditions:
- i. A landform shall consist of a raised earth berm and closely spaced plantings so as to form a complete visual barrier that is at least five (5) feet above grade.
 - ii. The earth berm shall comprise at least two (2) vertical feet of the landform.
 - iii. The berm shall be at least six (6) feet wide with a slope no steeper than 3:1.
 - iv. The berm area shall be curbed or edged and shall be covered by grass or other ground cover to prevent erosion and to assure that the berm retains its height and shape.
 - v. In addition to other closely spaced plantings, at least one (1) twelve-foot-

- high tree shall be required for each thirty (30) lineal feet of landform area.
 - vi. In addition to other closely spaced plantings, at least one (1) eighteen-inch-high or-wide shrub shall be required for each one hundred (100) square feet of landform surface area.
 - vii. Recommended trees and shrubs for the landform are provided in this section, subsection 3.D, below, and in Section 26-5.14.10.D.
3. Required screening for B-4 districts is as follows:
- A. Parking areas. An obscuring fence or wall or a landform shall be provided along the perimeter of all sides of any off-street parking area where the adjacent property is zoned for a residential use.
 - B. Adjacent commercial and residential uses. An obscuring fence or wall, landscaped



buffer or landform shall be provided along all property lines that border a parcel zoned for residential use.

- C. Trash receptacles. All dumpsters and trash receptacle areas shall be screened on at least three (3) sides by a solid obscuring fence or wall at least six (6) feet high. The fourth side shall consist of a gate at least six (6) feet in height, and constructed of opaque material which is architecturally compatible with the materials used to screen the other three (3) sides. The obscuring fence or wall shall be constructed in accordance with applicable standards for fences or walls, as set forth in this section. No planting area shall be required.
 - D. Storage areas. The open storage of any equipment, vehicles or other materials shall be screened from the view from a public street and from adjoining properties by a wall or fence, equal in height to the stored materials, and constructed in accordance with applicable standards for fences and walls as set forth in this section. No planting area shall be required.
 - E. Utility and public service yards. Utility and public service yards shall be screened on all sides by an obscuring fence or wall, landscaped buffer, or landform, in accordance with the standards set forth in this section.
 - F. Roof appliances. Roof appliances shall be screened on all sides by an opaque screen which shall be at least equal to the height of the appliance and shall consist of materials which are comparable with the architectural design of the building. Roof appliances include, but are not limited to, air conditioners, heating units, duct works, filters, compressors and transformers. Chimneys, flagpoles, solar devices and antennae are not considered roof appliances for the purposes of this section.
4. Thoroughfare buffer in RM districts. A landscaped berm, at least five (5) feet high, or equivalent natural buffer, shall be provided along the entire property abutting a major or secondary thoroughfare. Slopes of said berm shall be a minimum of 4:1 ratio and gentle enough so as not to erode when planted with grass. Berm locations shall be designed so that the view of oncoming traffic is not obscured at intersections. The planning commission may approve the use of screening fencing when a

specific design is provided within the context of a landscape plan as part of the site plan review.

- 5. In the I-OP industrial-office park district, all mechanical and roof-mounted equipment shall be screened.

5.13 GREENBELTS AND OBSCURING FENCES/WALLS - PLACEMENT, DESIGN AND DIMENSIONS

- 1. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purpose of screening effectively. Required walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the planning commission in reviewing such request. Prior to any waiver or change in wall requirements, the planning commission shall hold a hearing in accordance with Section 26-6.3.
- 2. Obscuring fences shall have no openings for vehicular traffic or other purposes except as provided in this chapter or as required for public safety as determined during site plan review. All required obscuring fences shall be constructed of brick or have brick veneer on the side facing the residential district, or be constructed of poured concrete which simulates standard brick facings on both sides of the wall.
- 3. Whenever a masonry obscuring fence is required to be constructed such wall shall be constructed prior to the backfilling of any foundation or prior to any construction that extends above the height of the foundation wall, whichever occurs first.
- 4. The planning commission may waive or modify the foregoing requirements subject to the following conditions:
 - A. Wall height when required may not be less than five (5) feet as measured from either side of the wall.



- B. The adjacent residential area must have a nonresidential future use per the master plan for future land use or a similar determination.
 - C. Permanent wall waivers, once granted, are not subject to further review by the planning commission.
 - D. The planning commission shall hold a public hearing in accordance with Section 6.3 prior to any waiver in wall requirements.
5. In the I-OP industrial-office park districts, fences and/or walls, other than those approved by the planning commission, may be permitted only with zoning board of appeals review and approval.

- and common name. The plan will be reviewed taking into consideration such factors as contribution to visual orientation and safe circulation, variety of plants used, seasonal interest, hardiness, appropriateness to the conditions and other design criteria.
3. Tree-type plantings will be required as part of a landscape plan and will be of the following sizes and quantity:
- A. Full size trees:
 - i. Deciduous--two and one-half (2 1/2) inch caliper (minimum) trunk measurement one (1) foot off the ground;
 - ii. Evergreen--six (6) to eight (8) feet tall;
 - B. Intermediate size trees:
 - i. Deciduous--one and three-fourths (1 3/4) inch caliper (minimum) trunk measurement one (1) foot off the ground;
 - ii. Evergreen--four (4) to six (6) feet tall;
 - C. Street frontage requires one (1) tree for each forty (40) feet of frontage, plus one (1) tree for each fifteen (15) parking spaces on the site.
4. It is the intention of the planning commission that an interesting and thoughtful mixture of types can be provided although these standards may be varied by the commission when these established minimums will serve no good purpose.

5.14 LANDSCAPING, ENVIRONMENTAL PROVISIONS, AND TREES

- 1. Whenever the provisions of Section 26-5.9 apply, landscaped areas on the site will be provided in the amount of twenty-five (25) square feet for each parking space over twenty (20), with a minimum of five hundred (500) square feet on any given site. There must be a minimum of two hundred (200) square feet in any single landscaped area in order to be counted with a minimum six-foot dimension in one (1) direction. The purpose of this requirement is to provide for necessary visibility for both pedestrian and vehicular traffic circulating with and without the site.
- 2. A landscape plan is required which will denote the treatment to be given landscaped areas. Included on the site plan showing the location of plantings will be a planting schedule indicating the plant quantity, size, botanical

- 5. It is the responsibility of the property owner to maintain the landscaping installed so that it is healthy, neat and orderly in appearance and is free from refuse and debris.
- 6. These landscape provisions are exclusive of Section 26-5.13, concerning greenbelts and obscuring fences (walls).
- 7. Plant materials. Whenever in this chapter a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Materials suitable for such plantings are those which are hardy in this climate zone, long-lived, resistant to disease and insect attack, dense, compact, orderly in growth, lacking in nuisance characteristics and requiring minimum maintenance.
 - A. Plant material spacing:



- i. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - ii. Where plant materials are planted in two (2) or more rows planting shall be staggered in rows.
 - iii. Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - iv. Narrow evergreens shall be planted not more than three (3) feet on centers.
 - v. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - vi. Large deciduous shrubs shall be planted not more than four (4) feet on centers.
 - vii. Large deciduous trees shall be planted not more than thirty (30) feet on centers, shall not be less than sixteen (16) feet in height, and shall not be less than three (3) inch caliper measured one (1) foot from the base.
- B. Examples of plant materials and minimum sizes:
- i. Evergreen trees, such as Juniper, Hemlock and Colorado Elder Spruce, at least five (5) feet in height;
 - ii. Narrow evergreens, such as Column Hinoki Cypress, Pyramidal Red Cedar and Intermediate Yews, at least three (3) feet in height;
 - iii. Tree-like shrubs, such as Dogwood and Redbud, at least four (4) feet in height;
 - iv. Large deciduous shrubs, such as Viburnum, Ninebark and Euonymus, at least six (6) feet in height.
- C. Trees not recommended for lawn and street trees:
- i. Box Elder;
 - ii. Soft Maples (red-silver);
 - iii. Elms;
 - iv. Poplars;
 - v. Willows;
 - vi. Horse Chestnut (nut-bearing);
 - vii. Tree of Heaven;
 - viii. Catalpa;
 - ix. Russian Olives.
8. Landscaping in all Single Family districts. For existing platted lots of record granted

preliminary plat approval by the township board prior to February 22, 1983, and for all unplatted land, when a new single-family dwelling unit is constructed at least one (1) tree shall be provided on each lot for each twenty (20) feet or portion thereof of lot width as measured along the adjacent street with a maximum requirement of three (3) trees. Trees shall be planted at the time of occupancy, or no later than six (6) months following such occupancy, and shall be planted within twenty (20) feet from the abutting curb or pavement edge. Trees shall have at least a three-inch caliper, measured one (1) foot above the ground for deciduous trees or a minimum height of six (6) feet for coniferous trees. The following trees shall not be permitted:

- A. Box Elder.
- B. Elm.
- C. Poplar.
- D. Willow.
- E. Horse Chestnut (nut bearing).
- F. Tree of Heaven.
- G. Catalpa.
- H. Russian Olive.

When it is shown that the required trees cannot physically be placed on a lot in the required location as stated above, the building department may modify the location of the required trees such that no less than the require number of trees are provided on each lot in addition to any existing trees.

- 9. Landscaping in RM districts. There shall be a requirement to plant three (3) evergreen or deciduous full size trees having a trunk diameter two and one-half (2 1/2) to three (3) inches one (1) foot from the ground for each dwelling unit within the multiple-family development. In addition, there shall be a requirement for planting along public rights-of-way which about the multiple-family development a minimum quantity of one (1) full size evergreen or deciduous tree for every fifteen (15) feet of frontage planted between the buildings and the right-of-way. Such plantings may be in groupings at the discretion of the planning commission, however, it is the intent of the commission that tree-lined streets be part of the landscape design.
- 10. Landscaping in B-4 districts. Landscaping in B-4 restricted general commercial districts shall conform to the following requirements:
 - A. Required landscaping.



- i. Front setback. A greenbelt shall be required along all front property lines.
 - ii. Between parking area and right-of-way. A greenbelt shall be required between the nearest point of any off-street parking area and an adjacent, existing or proposed right-of-way.
 - iii. Between parking area and side and rear property lines. A greenbelt shall be required between the property line and parking area in all side and rear yards where the adjacent property is zoned or used for nonresidential purposes.
 - iv. Interior landscaping. Interior landscaping areas, constituting at least five (5) percent of the total lot area, shall be provided in every new development in accordance with the standards for interior landscaping set forth in Subsection 26-5.14.10.B.iii. Interior landscaping shall be provided in addition to other required landscaping and screening. Interior landscaping should be grouped near building entrances, along building foundations, along pedestrian walkways and along service areas.
 - v. Parking interior landscaping. Interior landscaping shall be provided within any parking area containing ten (10) or more spaces where the parcel or lot contains three (3) or more acres. The purpose of interior landscaping is to define the parking layout and enhance the visual appearance of the parking lot. Parking interior landscaping shall conform to the following requirements:
 - a. One (1) twelve-foot-high deciduous tree shall be required for every one hundred (100) square feet or fraction thereof of required parking interior landscaping area.
 - b. The parking interior landscaping area shall be curbed and shall contain grass, ground cover, six-inch-deep wood chips or six-inch-deep crushed stone.
 - c. Interior landscaping shall be provided at the rate of fifteen (15) square feet of interior landscaping per parking space.
 - d. Each landscaped area shall be no less than fifty (50) square feet and shall have a minimum length or width dimension of five (5) feet.
- B. Permitted types of landscaping.
- i. Greenbelt. Required greenbelts shall consist of a minimum five-foot-wide planting strip in accordance with the following provisions:
 - a. One (1) twelve-foot-high deciduous tree or five-foot-high evergreen tree (measured at the time of planting) shall be required for every thirty (30) lineal feet of greenbelt area.
 - b. One (1) eighteen-inch-high or-wide shrub shall be required for each fifteen (15) lineal feet of greenbelt area.
 - c. The greenbelt area shall be curbed or edged and shall contain grass, ground cover, six-inch-deep wood chips, or six-inch-deep crushed stone.
 - ii. Buffer or landform. Buffers and/or landforms shall be permitted in accordance with the provisions in Section 26-5.12.
 - iii. Interior landscaping. All interior landscaping shall conform to the following requirements:
 - a. One (1) twelve-foot-high deciduous tree, or four-foot-high evergreen tree, shall be required for every four hundred (400) square feet of required interior landscaping area.
 - b. One (1) eighteen-inch-high or-wide shrub shall be required for every two hundred fifty (250) square feet of required interior landscaping area.
 - c. The interior landscaping area shall be curbed or edged and shall contain grass, ground cover, six-inch-deep wood chips or six-inch-deep crushed stone.
- C. Installation and maintenance standards.
- i. Required trees, shrubs or other plantings shall be planted as a condition of the issuance of a certificate of occupancy, unless financial guarantees are provided that will ensure the installation of plantings.



- ii. Greenbelts, landforms, buffers or other landscaping shall be maintained in healthy condition, and neat and orderly in appearance, free from refuse or debris. All dead or dying nursery stock shall be replaced.
- iii. Required plant materials shall be of the following sizes at the time of planting, unless otherwise stated in this chapter:
 - a. Full size trees:
 - (1) Deciduous: One and three-fourths (1 3/4) inch caliper, minimum trunk measurement at one (1) foot off the ground.
 - (2) Evergreen: Six (6) to eight (8) feet tall.
 - b. Intermediate size trees:
 - (1) Deciduous: One and one-half (1 1/2) inch caliper, minimum trunk measurement at one (1) foot off the ground.
 - (2) Evergreen: Four (4) to six (6) feet tall.

D. Permitted plant materials.

- i. Plant materials permitted in required landscape areas shall be hardy in this climate zone, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
- ii. Suggested trees and shrubs for parking interior landscaping:

London Plane Tree	Snowdrift Crabapple
Sweetgum	Marshal Green Ash
Linden Trees	Hardy Rubber Tree
Junipers	Hibiscus
Hawthorns	Scotch Pine
Dwarf Callery Pear	Red Maple

- iii. Suggested trees and shrubs for greenbelt areas and interior landscape areas:

Amur Maple	Junipers
Hackberry	Serbian Spruce
Hawthorns	Euonymus
White Ash (seedless)	Smoke Tree
Honeylocust	Hedge Maple
Scotch Pine	Bayberry
Henry St. Johnswort	Goldenrain Tree
Mugo Pine	Scarlet Oak
Mockorange	European Linden
Beauth Bush	Littleleaf Linden
Snowdrift Crabapple	Japanese Tree Lilac
Hardy Rubber Tree	Buckthron
Sweetgum	Gingko
London Plane Tree	Bristle Locust
Pin Oak	Eastern Ninebark
Russian Olive	Cottoneaster
Zelkova	Dwarf Callery Pear
Border Privet	European Hornbean Red Maple

- iv. Recommended salt-resistant trees and shrubs:

Pinus Nigra	Block Locust
Russian Olive	Honey Locust
Andorra Juniper	Tamarisk
Sweetgum	Hibiscus

- v. Recommended trees and shrubs for shady areas:

Euonymus	Mountain Laurel
Mabonia Aquifolium	Cottoneasters
Amelanchier	Arborviteas
Crownvetch	Dogwoods
Honey Locust	Viburnums
Alpine Currant	

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vi. Trees not permitted:

Box Elder	Willows
Soft Maples (Red or Silver)	Ailanthus (Tree of Heaven)
American Elm	Catalpa
Poplars	

E. Recommended spacing. In addition to the plant spacing standards provided elsewhere in this chapter, the following minimum spacing standards shall be required:

- i. Plant materials shall not be placed closer than four (4) feet from the fence or property line.
- ii. Where plant materials are planted in two (2) or more rows, the plantings shall be staggered in rows.
- iii. Unless otherwise stated in this chapter, plant materials shall be spaced as follows:
 - a. Evergreen trees shall be planted not more than thirty (30) feet on centers.
 - b. Narrow evergreens shall be planted not more than three (3) feet on centers.
 - c. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
 - d. Large deciduous shrubs shall be planted not more than four (4) feet on centers.
 - e. Large deciduous trees shall be planted not more than thirty (30) feet on centers.
- iv. Spacing standards may be waived by the planning commission upon review of a site plan, if it is determined that the required spacing will serve no useful purpose, and that the proposed landscaping plan will conform to the intent and purpose of landscape standards in this chapter.

11. Landscaping in I-OP industrial-office park districts: Where an industrial park subdivision is proposed for platting, a landscaping plan, prepared by a registered landscape architect, shall be submitted as part of the preliminary plat and shall be part of the preliminary plat approval. The landscape plan shall represent a

master design proposal for the plat and show how open space, rights-of-way and common areas shall be treated. The master landscape plan also shall establish minimum standards for individual lot landscaping in required yards, screening planting details for loading areas and yards which abut residential zones and general planting standards to ensure a continuity of development. This master landscape plan shall include a planting schedule, where applicable.

The landscape plan for any site within the industrial-office park district shall meet the following minimum requirements pursuant to Section 26-5.14 of this chapter and as amended below:

- A. There shall be planted a minimum of one (1) deciduous tree three (3) inch caliper or larger for each thirty (30) feet of frontage along a public right-of-way and general circulation drive.
- B. Where the required landscape yard abuts a residential district, there shall be two (2) staggered rows of full-size evergreen trees planted not more than ten (10) feet on centers. Narrow evergreens shall be planted not more than six (6) feet on centers. The planning commission may waive or modify this requirement depending on the natural buffer provided between districts.
- C. In those instances where a required landscape yard abuts a lot or parcel zoned for other than residential purposes, plant material spacing shall be in accordance with Section 26-5.14.
- D. Where the industrial office park district abuts a residential zone, including a private or public residential street with an existing or planned future right-of-way width of sixty (60) feet or less, the following provisions shall apply:
 - i. There shall be a landscaped yard of seventy-five (75) feet. This yard must be provided on the site and no parking or drives are permitted within this yard.
 - ii. A landscape berm of sufficient height shall be constructed in order to screen the industrial-office park district from the adjacent residential district. The berm shall be landscaped in accordance with Subsection 26-5.14.11.B (above).

Where the use of a landscape berm is not practical, the planning commission



may require a solid obscuring wall or fence of sufficient height. In addition, the planning commission may waive or modify these requirements depending on topography and the degree of natural buffer between the two (2) districts.

- E. Landscape plans shall be submitted as part of individual site plans which shall substantially conform with the master landscape plan and include a planting schedule with size, quantity and species of plants to be used. Lawn and landscaped areas shall be maintained and shall include an automatic sprinkler irrigation system.

5.15 SIGNS

1. Preamble. The primary function of signage, as it relates to this chapter, is to identify a particular user of a parcel of property. It is not the intent of this chapter to have the open spaces and lines of vision created by public rights-of-way be used as license for unrestricted advertising through the use of signage. Through this chapter signage will be allowed in such a manner so as to provide those similar uses in similar zones the opportunity for identification exposure, although the location and size of buildings and/or parcels will influence the amount of signage permitted. This chapter distinguishes those nonresidential zones that provide for transitional or other than retail activity as a primary use. This section through this approach reflects the transitional nature of the zoning district arrangements shown on the zoning map and the future land use plan so that as the intensity of land use is decreased so is the amount of permitted signage. This consistent approach is necessary to remove the need for the type of signs which compete for attention of motorists, thereby creating potential traffic hazards as well as creating visual blight within the township. It is therefore within the health, safety and welfare responsibility of the township that this section is promulgated.
2. General provisions.
 - A. Signs oriented to motorized traffic on a public road (except as specifically exempted) shall not be erected, used or altered without first having been approved by the Community Development Department and a permit issued.

- B. The fees for the issuance of a sign permit and for such appropriate bonds as may be required shall be established by the township board.
- C. All signs shall be expressly prohibited from all public rights-of-way and dedicated public easements with the exception of those signs related to public safety as established by the township, county, state or federal governments.
- D. All signs shall be constructed and maintained in a like new condition in compliance with all local building codes, where appropriate, and shall be of sturdy construction to withstand normal natural elements. Signs with missing letters or other parts of the display, having burned-out illumination elements, or that are frayed, torn, faded, and/or improperly anchored shall be considered as not being properly maintained.
- E. Signs shall not be located so as to create a traffic hazard by the blocking of motorists' vision of traffic or by interfering with traffic-control devices at intersections. The corner clearance provisions of section 26-5.3 shall be enforced.
- F. The area of all signs, with the exception of a residential development identification sign, shall be computed by measuring the area of the regular shaped envelope required to enclose the lettering and/or logo and the structure to which the letters and/or logo is attached. This envelope shall be either a circle, oval, rectangle or triangle. In the case where a wall sign is open letters attached to the building the envelope shall be around the letters. The sign support shall not be considered when measuring aground or pylon sign.
- G. Signs shall not use flashing or intermittent illumination. All direct exterior illumination shall be shaded so as not to project on to the public right-of-way and interfere with traffic or project onto adjacent property. When a sign is internally illuminated such illumination shall avoid the use of glaring undiffused light which could cause a distraction to motorists. An exception shall be allowed for the use of time/temperature/stock information signs. However, these signs shall be included within the maximum sign area permitted a user in the nonresidential zones.



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- H. Where freestanding signs are permitted, the area of double-faced signs shall be computed using only one (1) side of the sign providing the following conditions: (a) The outline of both faces of the sign are essentially identical; (b) The two (2) signs are back-to-back so that only one (1) face is visible at any given location.
- I. Wall signs may project up to one (1) foot from the location where mounted. Wall signs may not project above or beyond a roof or parapet line. Wall signs are only permitted on the street facade of the building.
- J. Freestanding pylon signs shall not be approved for construction within one hundred (100) feet of residentially zoned property.
- K. Window signs shall not have any movement to call attention to the sign and shall be limited to no more than thirty (30%) percent of the visible glazed surfaces.
- L. Except as specifically allowed and provided for in this chapter, the following signs are prohibited from all zoning districts:
 - i. Moving, flashing, animated or intermittently illuminated signs.
 - ii. Nonaccessory signs, except as specifically provided in this chapter;
 - iii. Festoon signs;
 - iv. Outline tubing signs visible from the exterior of a building, except that the use of outline tubing (neon) may be permitted when such tubing is encased so as to protect it from weather and breakage. The tubing enclosure shall be so designed as to render such tubing invisible when not illuminated (i.e., tinted glass).
 - v. Portable signs.
- M. Community special event signs may be permitted by the Community Development Department for signage and/or banners on and off-premise and over the road providing that such special signs shall not interfere with nor impair traffic safety of or detract from the character of the area in accordance with the following:
 - i. One (1) over the road banner not to exceed one hundred and fifty (150) square feet may be permitted.
 - ii. Up to forty (40) off-premise signs not to exceed three (3) square feet each may be permitted.
 - iii. Up to three (3) community special events may be approved for signs at any one (1) given time.
 - iv. Community special event signs shall be set back a minimum of twenty (20) feet from the traveled portion of the road, shall not violate the corner clearance requirements of section 26-5.3, and shall not obstruct a sidewalk or safety path.
 - v. Community special event signs may be installed no more than fourteen (14) days prior to the event and must be removed within one (1) day after the event by the applicant.
- N. The Community Development Department may require such detailed information as deemed necessary to make a reasonable decision and may further require such reasonable assurances (i.e., bonds, right of sign removal, etc.) as are necessary to ensure compliance with the decision. When the Community Development Department has approved signs for a community special event for a non-profit group, annual renewal may be requested without full reapplication for permit, and approved administratively by the Community Development for up to four (4) additional years in an uninterrupted five (5) year period for each year that conditions upon which the initial approval was based are maintained without changes to the sign(s) and there have been no violations of the prior year's approval.
- O. Flags of recognized federal, state, county or municipal governments shall not exceed a quantity of one (1) flag per parcel. Flags identifying any business or organization are not permitted. Flagpole construction requires applicable building permits.
- P. One (1) construction sign shall be permitted per parcel street frontage with a maximum of fifty (50) square feet in size and ten (10) feet in height. Construction signs shall be removed within fourteen (14) days after issuance of the Certificate of Occupancy.
- P. Temporary signs shall be permitted in accordance with the following:



- i. One (1) temporary sign shall be permitted per business not to exceed twenty-five (25) square feet.
 - ii. Temporary signs shall not exceed a height of six (6) feet if ground mounted, and shall not exceed the height of the building for signs that are building mounted.
 - iii. Temporary signs shall be permitted for a maximum display time of thirty (30) days. Each business may have up to two (2) temporary signs per year, separated by a sixty (60) day period.
 - iv. Temporary signs shall be set back a minimum of twenty (20) feet from the traveled portion of the road, shall not violate the corner clearance requirements of section 26-5.3, and shall not obstruct a sidewalk or safety path.
 - v. It is unlawful to attach or paint any sign/banners upon any vehicle, trailer, skid or similar mobile structure visible from the public right-of-way.
 - vi. Balloons, pennants, string pennants or other floating devices anchored to the ground or to any structure are prohibited.
 - vii. A decal showing the permit expiration date shall be clearly displayed on the front of the sign.
3. Political signs and political-election signs:
- A. It is the purpose and intent of this subsection to establish minimum regulation in order to provide for the orderly placement, display and removal of political-election and political signs and to provide favorable treatment for such signs. Prior experience within the township has reflected a need for this subsection in view of the difficulty in determining whether signs are lawfully established and in order to avoid disputes between proponents of candidates and issues and disputes between the township and individuals placing and failing to remove political-election and political signs within the township.
 - B. This subsection is deemed to be a minimum time, place and manner regulation. Regulations are established for the timing or placement and removal, placement in terms of where signs may be located, and the manner in which they may

be established. However, in no respect does the township attempt in this subsection to regulate the content of political-election and political signage.

- C. The township has determined to separately regulate political-election and political signs in view of the fact that, unlike other signs in the township, political signs are not intended to be displayed on a permanent basis and are not anticipated to be constructed, placed, screened and otherwise established in the same manner as other signs, and generally not anticipated to be located in the same manner or for the same purpose as other signs. It is the intent to exempt political and political-election signs from the obligation to meet design and structural requirements and from application, permit and inspection requirements. Consequently, certain additional regulations not applicable to permanent signage must be imposed to protect safety and avoid blight and other community character problems. Political and political-election signs are not generally constructed and reinforced to withstand the elements and are more susceptible to being destroyed and blown by the wind into unintended areas. However, the township recognizes the importance of political speech and desires to regulate such speech in relation to signage only to the extent required in order to achieve the township's zoning objectives while concurrently affording a reasonable opportunity to communicate political and political-election messages. Based upon the temporary location and duration of political and political-election signs, and the materials generally used to construct them, regulation is distinct from that applicable to permanent signs.

- D. Regulations for political-election signs:
 - i. Signage size:
 - a. In residential districts, the faces of signs shall not be more than six (6) square feet in area, per face, with a maximum of two (2) faces.
 - b. In nonresidential districts, the faces of signs shall not be more than thirty-two (32) square feet in area, per face, with a maximum of two (2) faces.
 - ii. Signage height:

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- a. In residential districts, signs shall not be more than three (3) feet in height.
 - b. In nonresidential districts, signs shall not be more than six (6) feet in height.
 - iii. There shall be no illumination of political-election signs unless application is made and a permit issued for any electrical materials and components.
 - iv. No political-election sign shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
 - v. All political-election signs shall be located outside of all road right-of-ways. If the right-of-way cannot be determined, then the signs must be located at least twenty (20) feet from the edge of the curb or traveled portion of the road.
 - vi. No political-election sign shall be located on township-owned property or attached to any utility pole, tree or other structure located within a right-of-way. A political-election sign may be displayed in the window of a principal building.
 - vii. All election signs shall be removed within ten (10) days following the election for which the sign has been displayed.
- E. Regulations for long-duration political signs (other than election signs). All regulations applicable to political-election signs shall apply to political signs; provided, if a political sign is displayed for a period longer than sixty (60) days:
- i. The sign must either be set back from the edge of the curb or traveled portion of the road a distance equal to the minimum front yard setback on the property on which the sign is to be displayed, or the sign must be displayed in the window of the principal building; and
 - ii. In view of the fact that such signs are installed without prior approval and that they are generally not intended or constructed to be permanent, there is a concern that deterioration will occur if they are displayed for a prolonged period of time. Accordingly, following outdoor display of a political sign for more than sixty (60) days, if the township planning and environmental director, or designee, determines that such a sign has become deteriorated to the point of having a blighting effect on the neighborhood and gives written notice to such effect to the occupant of the property, the occupant (or owner of the sign) shall, at his or her election, either remove the sign or replace the sign with a new one.
4. In R-10, R-12.5, and R-15 one-family residential districts, there shall be no sign directed to motorized traffic on a public road erected, altered or used within any single-family district except as follows:
- A. Identification signs, as accessory signs:
 - i. For each dwelling unit one (1) wall sign (nameplate) shall be allowed, without a permit from the township, with a maximum area of two (2) square feet.
 - ii. For nonresidential uses permitted in Section 26-3.1.1, 26-3.1.2 and 26-3.1.3 (i.e., schools, churches, cemeteries, nursing homes, etc.) there shall be allowed one (1) ground sign with a maximum area of twenty-five (25) square feet which shall be set back a minimum of thirty (30) feet from the existing or proposed right-of-way of the street to which the sign is oriented. For those uses where frontage is greater than four hundred (400) feet a second ground sign shall be allowed but the two (2) signs shall be no closer than three hundred (300) feet measured along the street.
 - B. Residential development identification (permanent). Only ground signs with a maximum area of twenty-five (25) square feet shall be permitted to identify a residential development, and should be located on lands adjacent to streets that are in the development. The structure upon which the sign is located shall meet the corner clearance requirements of Section 26-5.3. The area of this residential identification sign shall be computed by measuring the regular shaped envelope required to enclose the lettering and/or



logo. The sign may be only on a private easement dedicated for such purposes to a subdivision association or similar body which will ensure the continued maintenance of the sign. The structure upon which this sign is mounted shall be no longer than twenty (20) feet or higher than ten (10) feet. The planning commission shall review the proposed location for such signs as part of the plat review.

- C. Real estate signs. There shall be no more than one (1) sign not more than six (6) square feet in area per parcel or lot (developed or undeveloped) and such sign shall not require a sign permit. Such signs shall be removed immediately after the property is sold, rented or leased and may not be modified by indicating the property is no longer for sale, rent or lease. For the purpose of this chapter, a property shall be considered sold when a purchase agreement or similar document which limits the availability of the property has been executed by all parties of interest.
- D. Real estate development signs. Real estate development signs shall be allowed when advertising more than four (4) lots, developed or undeveloped, or more than four (4) single-family dwelling units when such signs conform with the following restrictions:
 - i. A permit shall be required with an expiration of eighteen (18) months from the date of issue to be accompanied by a letter of credit to ensure maintenance and removal.
 - ii. Where the sign is to be located on the land being developed or on contiguous land within the same ownership as the land being developed, the maximum area shall be fifty (50) square feet of signage. Such signage shall be located outside the dedicated public right-of-way and at least thirty (30) feet from the edge of the paving or road surface. There shall be allowed one (1) sign for each access road entering the development providing a minimum distance of five hundred (500) feet is maintained between the signs. The signs may be moved within the development area without additional permits providing minimum setbacks are maintained.

- iii. Nonaccessory temporary real estate development signs shall be permitted at no more than one-half-mile intervals for a distance not exceeding two (2) miles, measured along major or secondary thoroughfares, from the development being advertised on the sign. Such signs shall be located only along major or secondary thoroughfares. The area of such sign shall be no greater than thirty-two (32) square feet and shall be located outside the dedicated public right-of-way and at least thirty (30) feet from the edge of paving or road surface. Such signs shall not be illuminated or closer than one hundred fifty (150) feet from any residence. Permits are required for each sign prior to erection and applications for permits shall include written permission from the property owner of record granting permission for sign erection. A total of three (3) erected signs shall be permitted on any single corner, a corner being described as the intersection of two (2) or more major or secondary thoroughfares and for a distance of five hundred (500) feet from the center of the intersection. Nonaccessory temporary real estate development signs shall be permitted on any undeveloped parcel, regardless of zoning, within the township.
- 5. In RM multiple-family residential districts, there shall be no sign directed to motorized traffic on a public road erected, altered, used or changed within any multiple-family residential district except as herein specified:
 - A. Identification signs as accessory signs:
 - i. For each dwelling unit, there shall be allowed one (1) nameplate wall sign not to exceed two (2) square feet. No permit is required for this sign.
 - ii. For rental or management offices, one (1) sign per project not to exceed six (6) square feet shall be allowed which shall serve only to identify the rental or management office.
 - iii. For each development in the RM zone, there shall be allowed one (1) residential development identification sign not to exceed twenty-five (25) square feet in area. This sign shall be located near the entrance to the

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development, maintaining corner clearance provisions of Section 26-5.3. The area of the sign shall be computed by measuring the regular-shaped envelope required to enclose the lettering and/or logo. The structure upon which the sign is mounted shall be no longer than twenty (20) feet or higher than ten (10) feet. The location and appearance of the sign shall be subject to review and approval by the planning commission at the time of site plan review and adequate provisions shall be made at that time to ensure continued maintenance of the sign.

- B. Real estate development signs. Real estate development signs shall be allowed when advertising more than four (4) dwelling units for sale when such signs conform with the following restrictions:
 - i. A permit shall be required with an expiration of eighteen (18) months from the date of issue to be accompanied by a letter of credit to insure maintenance and removal.
 - ii. Where the sign is to be located on the land being developed or on contiguous land within the same ownership as the land being developed, the maximum area shall be fifty (50) square feet of signage. Such signage shall be located outside the dedicated public right-of-way and at least thirty (30) feet from the edge of paving or road surface. There shall be allowed one (1) sign for each access road entering the development, providing a minimum distance of five hundred (500) feet is maintained between the signs. The sign(s) may be moved within the development area without additional permits providing minimum setbacks are maintained.
 - iii. Nonaccessory temporary real estate development signs shall be permitted at no more than one-half-mile intervals for a distance not exceeding two (2) miles, measured along major or secondary thoroughfares, from the development being advertised on the sign. Such signs shall be located only along major or secondary thoroughfares. The area of such signs shall be no greater than thirty-two (32) square feet and shall be located

outside the dedicated public right-of-way and at least thirty (30) feet from the edge of paving or road surface. Such signs shall not be illuminated or closer than one hundred fifty (150) feet from any residence. Permits are required for each sign prior to erection and applications for permits shall include written permission from the property owner of record granting permission for sign erection. A total of three (3) erected signs shall be permitted on any single corner, a corner being described as the intersection of two (2) or more major or secondary thoroughfares, and for a distance of five hundred (500) feet from the center of the intersection. Nonaccessory temporary real estate development signs shall be permitted on any undeveloped parcel, regardless of zoning, within the township.

- C. Real estate signs. Real estate signs shall be permitted only on a temporary basis and shall conform with the following conditions:
 - i. The sign must be located on the property which is offered for sale, rent or lease and only one (1) sign is permitted per property.
 - ii. The sign may be a wall or ground sign.
 - iii. The area of the sign shall be no larger than six (6) square feet.
 - iv. The sign shall be removed immediately after the property is sold, rented or leased, and modification of the sign by placing of "sold," "rented" or other modifications indicating the property is no longer for sale, rent or lease is prohibited. For the purpose of this section, property shall be considered sold, rented or leased when a purchase agreement or similar document which limits the availability of the property has been executed by all parties in interest.
- 6. There shall be no sign erected, altered or used within any B-1, B-2, or B-3 business district, or any OR-1 or OR-2 office retail district except as herein specified:
 - A. Wall signs, as accessory signs.
 - i. Wall signs shall be permitted providing that such signs are accessory signs and there shall be no more than one



- (1) sign per street frontage. The area of the sign shall be no greater than two (2) square feet for each one (1) foot of lineal building frontage; however, the maximum area for any single sign and the total area of all wall signs shall not exceed two hundred (200) feet.
 - ii. In those instances where more than one (1) tenant share a building there shall be permitted one (1) accessory wall sign per tenant. The wall signage shall be allocated on a generally equal basis with the total area of all wall signs limited to two (2) square feet of sign area per each one (1) foot of building frontage; however, no single sign area shall be any greater than two hundred (200) square feet.
- B. Freestanding signs, as accessory signs.
- i. In the B-1, B-2, B-3, OR-1 zoning districts, one (1) freestanding sign with a maximum area of fifty (50) square feet shall be permitted per development site providing the building has a minimum setback from all rights-of-way of at least forty (40) feet. The freestanding sign shall be located when permitted on the site according to one (1) of the following standards:
 - a. Ground sign--setback minimum from R.O.W., fifteen (15) feet; height, maximum, five (5) feet.
 - b. Pylon signs may be allowed with zoning board of appeals approval provided that natural topographic conditions and/or existing landscape elements would make installation of ground signs impractical; further, the board of appeals in all cases concerning pylon signs shall first establish that signage would not detract from the established character of the area.
 - ii. In the OR-2 zoning district a ground sign will be the only permitted freestanding sign. The ground sign shall have a maximum area of fifty (50) square feet and because of the unique site design requirements shall have a setback from the major thoroughfare of at least sixty-nine (69) feet. The maximum height of the sign shall be five (5) feet.
 - iii. Where more than one (1) tenant or building share a common parking area there shall be permitted only one (1) freestanding sign.
 - iv. Where a single parcel has more than four hundred (400) feet of frontage along a major or secondary thoroughfare a second freestanding sign shall be permitted with the same size and location limitations as the first permitted sign, providing the distance between the two (2) signs is no less than three hundred (300) feet measured along the road frontage.
- C. Permitted nonaccessory signs. The following nonaccessory signs shall be permitted without special approval of the zoning board of appeals and may be either wall or freestanding signs. Unless otherwise specified the sign shall not be included in the total signage permitted for the site.
- i. Time/weather/stock market average signs shall be permitted providing the sign conforms with the following conditions:
 - a. Frequency of message change shall be no less than once every ten (10) seconds.
 - b. Illumination of the sign shall be no brighter than one (1) footcandle measured four (4) feet from the sign.
 - c. This type of sign shall be included in the total signage permitted for the site.
 - ii. Gasoline price signs shall be permitted in conjunction with a gasoline station only where conforming with the following conditions:
 - a. Only one (1) double-faced sign shall be permitted per street frontage.
 - b. Area of each face not to exceed six (6) square feet.
 - c. Signs may be posted on the freestanding sign or on other structures on the site, but shall not be set on the ground as a sandwich-type sign.
 - d. The price signs shall not be included in the total signage permitted for the site.



- e. A permit is necessary to locate the price signs but not to change the numbers thereon or product grade designation.
- iii. Real estate signs shall be permitted only on a temporary basis and shall conform with the following conditions:
 - a. The sign must be located on the property which is offered for sale, rent or lease and only one (1) sign is permitted per property.
 - b. The sign may be a wall or ground sign.
 - c. The area of the sign shall be no larger than thirty-two (32) square feet.
 - d. The sign shall be removed immediately after the property is sold, rented or leased and modifications of the sign by placing of "sold," "rented" or other modifications indicating the property is no longer for sale, rent or lease is prohibited. For the purpose of this chapter a property shall be considered sold when a purchase agreement or similar document which limits the availability of the property has been executed by all parties in interest.
- 7. There shall be no sign erected, altered or used within the B-4 restricted general commercial district except as follows:
 - A. Permit. A sign permit shall be obtained from the building department prior to the erection, construction or alteration of any sign. The fees for the issuance of a sign permit and for appropriate bonds as may be required shall be established by the township board.
 - B. Construction and maintenance. All signs shall be constructed and maintained in compliance with all local building codes, where appropriate, and shall be of sturdy construction to withstand normal natural elements. Signs which have missing letters, burned out illumination elements or peeling or faded paint shall be considered as not being properly maintained.
 - C. Motorist visibility. No sign shall be permitted on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. No sign shall

- be permitted within the triangular area formed at the intersection of any street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines. No sign shall be located so as to impair or impede the visibility of a vehicle entering into or exiting from a parcel of property.
- D. Illumination. No signs shall be illuminated by the use of flashing, moving or intermittent lighting. All direct exterior illumination shall be shaded so as not to project onto adjoining property or thoroughfares. Direct exterior illumination and internally illuminated signs shall avoid the use of glaring undiffused lights or bulbs that could distract motorists.
- E. Measurement. The area of all signs shall be computed by measuring the area of the regular shaped envelope required to enclose the lettering and/or logo and the structures to which the letters and/or logo are attached. This envelope shall be either a circle, oval, rectangle or triangle. In the case of a wall sign consisting of open letters attached to the building, the envelope shall be around the letters. The sign support shall not be considered when measuring a ground or pylon sign. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign, provided that (1) the outline and dimensions of both faces are identical, and (2) the faces are back-to-back so that only one (1) face is visible at any given location.
- F. Proximity to residential district. No freestanding sign shall be permitted within one hundred (100) feet of a parcel zoned for residential use.
- G. Projection of signs. Wall signs may project up to one (1) foot from the mounting surface. Wall signs may not project above or beyond a roof or parapet line. Freestanding roof signs are not permitted.
- H. Prohibited signs. The following signs are prohibited in the restricted general commercial district:
 - i. Moving signs;
 - ii. Flashing signs;
 - iii. Animated signs;
 - iv. Nonaccessory signs that are indirectly related to the principal use of the building, except as specifically provided in this chapter;



- v. Festoon signs, such as a hanging garland or flowers, leaves, papers, flags or streamers;
 - vi. Outline tubing signs;
 - vii. Portable or temporary signs, except as specifically provided in this chapter;
 - viii. Signs painted on or attached to parked vehicles which are intended to be used for transportation, but which are being used principally for advertising purposes;
 - ix. Window signs, except as permitted in this chapter;
 - x. Billboards;
 - xi. Projecting or overhanging signs;
 - xii. Sandwich signs.
- I. Wall signs shall be permitted provided that the following conditions are met:
- i. No more than one (1) wall sign shall be permitted per street frontage. Wall signs are prohibited on the sides of buildings, except that buildings located on a corner lot shall be permitted to have one (1) wall sign on the side facing a street.
 - ii. Wall signs shall not exceed a total area of two (2) square feet for each one (1) lineal foot of building frontage.
 - iii. The maximum area for any single sign and the total area of all wall signs shall not exceed two hundred (200) square feet.
 - iv. Wall signs shall not extend beyond the parapet top or above the front, side or rear elevation of the building as the case may be.
 - v. The maximum horizontal distance shall not exceed three-fourths of the width of the building or portion thereof to be occupied by the applicant.
 - vi. Where more than one (1) tenant share a building, one (1) wall sign shall be permitted per tenant. The wall signage shall be allocated on an equal basis to all tenants, with the total area of all signs limited to two (2) square feet per lineal foot of building frontage, and the total area of all wall signs not to exceed two hundred (200) square feet.
- J. Ground or freestanding signs shall be permitted provided that the following conditions are met:
- i. No more than one (1) ground or freestanding sign shall be permitted for each development site provided that the building has a minimum setback of at least forty (40) feet from all rights-of-way. On corner sites where each road has an existing or proposed right-of-way of at least one hundred twenty (120) feet, one (1) freestanding sign may be permitted for each building frontage. Where more than four hundred (400) feet of street frontage exists, a second freestanding sign shall be permitted, providing the distance between the two (2) signs is no less than three hundred (300) feet as measured along the road frontage.
 - ii. Freestanding or ground signs shall not exceed fifty (50) square feet in total area.
 - iii. Ground signs or freestanding signs shall not exceed fifteen (15) feet in height.
 - iv. Ground signs or freestanding signs shall have a minimum fifteen-foot setback from any existing or proposed right-of-way. No such sign shall overhang public property.
 - v. Pylon signs may be permitted only upon approval of the zoning board of appeals provided that it is determined that such signage would not detract from the established or natural character of the area.
 - vi. Where more than one (1) tenant share a building, only one (1) ground or freestanding sign shall be permitted. Where tenants are listed individually, the ground or freestanding signage shall be allocated on an equal basis to all tenants.
 - vii. External illumination of signs shall be designed so as not to be obtrusive to adjacent parcels.
- K. Temporary accessory signs that are directly related to the principal use of the premises shall be permitted, provided the following conditions are met. Temporary signs not exceeding thirty-two (32) square feet in area and pennants may be permitted by permit for the following purposes only:
- i. To advertise a new business conducted on the premises, in which case the temporary sign shall be



erected for no longer than thirty (30) days.

- ii. To advertise a sale or special event for an established business, a temporary sign shall be permitted no more than four (4) times per calendar year and for no longer than fifteen (15) days each permit.
 - iii. Temporary sign permits may be obtained from the township building department. A cash bond of one hundred dollars (\$100.00) shall be posted with the building department with each temporary sign application. The cash bond shall be released to the applicant upon removal of the temporary sign in compliance with the time stated on the application.
 - iv. Temporary window signs shall be allowed without a temporary sign permit provided that the area of the window that is covered shall not exceed ten (10) percent of the total area of the building front. All temporary paper window signs shall be posted for a period not exceeding fifteen (15) days.
- L. Permitted, nonaccessory signs. The following nonaccessory signs shall be permitted without special approval of the zoning board of appeals. Unless otherwise specified, the area of the sign shall not be included in the total signage permitted for the site.
- i. Time/weather/stock market signs. Time, weather or stock market signs shall be permitted provided that the following conditions are met:
 - a. Frequency of the message change shall be no less than once every ten (10) seconds.
 - b. Illumination of the sign shall be no brighter than one (1) footcandle measured four (4) feet from the sign.
 - c. The area of these types of signs shall be included within the maximum sign area permitted on the site.
 - ii. Gasoline price signs. Gasoline price signs shall be permitted provided the following conditions are met:
 - a. Only one (1) double-faced sign shall be permitted per street frontage.
 - b. The area of each face shall not exceed twelve (12) square feet.
 - iii. Real estate signs. Real estate signs which offer a parcel of land or building for sale, rent or lease shall be permitted provided the following conditions are met:
 - a. One (1) sign is permitted for each property that is offered for sale, rent or lease. Such sign must be placed on the property being offered for sale, rent or lease.
 - b. The sign may be a wall or ground sign.
 - c. The area of the sign shall be no larger than thirty-two (32) square feet.
 - d. Signs shall be removed within thirty (30) days after the sale or lease of a property, or in the case of rental property, thirty (30) days after final occupancy has been issued to the entire development.
8. There shall be no sign erected, altered or used within any O-1 and O-2 office building, research office or industrial district except as follows:
- A. Wall signs, as accessory signs.
 - i. Wall signs shall be permitted providing there shall be no more than one (1) sign per street frontage and the signs shall be limited in size to no more than one (1) square foot for each one (1) foot of lineal building frontage, with a maximum area for any single sign and the total area of all wall signs not exceeding one hundred (100) square feet.
 - ii. In those instances where more than one (1) tenant share a building there shall be permitted one (1) wall sign per tenant. The wall signage shall be allocated on a generally equal basis with the total area of all signs to be limited to one (1) square foot for each one (1) foot of lineal building frontage with no single sign being greater than one hundred (100) square feet in area.
 - B. Freestanding signs, as accessory signs.
 - i. One (1) freestanding sign with a maximum area of thirty-five (35) square feet shall be permitted per development site, providing the building has a minimum front yard



- setback of forty (40) feet. The sign shall be located, when permitted, according to the following standard:
- ii. Ground sign–setback minimum from R.O.W., fifteen (15) feet; height, maximum, five (5) feet.
 - iii. Where more than one (1) tenant or building share a single parking area there shall be permitted only one (1) freestanding sign.
 - iv. Where more than four hundred (400) feet of a street frontage exists along a major or secondary thoroughfare a second freestanding sign shall be permitted with the same size and location limitations as the first permitted sign providing the distance between the two (2) signs is no less than three hundred (300) feet as measured along the road frontage.
- C. Permitted nonaccessory signs. The following nonaccessory signs shall be permitted as either wall or freestanding signs without approval by the zoning board of appeals. Unless otherwise specified the area of the sign shall not be included in the total sign area permitted for the site.
- i. Time/weather/stock market average signs shall be permitted providing the sign conforms with the following conditions:
 - a. Frequency of message change shall be no less than every ten (10) seconds.
 - b. Illumination of the sign shall be no brighter than one (1) footcandle measured four (4) feet from the sign.
 - c. This type of sign shall be included in the total signage permitted for the site.
 - ii. Real estate signs shall be permitted only on a temporary basis and shall conform with the following conditions:
 - a. The sign must be located on the property which is offered for sale, rent or lease and only one (1) sign is permitted per property.
 - b. The sign may be a wall sign or a freestanding sign.
 - c. The area of the sign shall be no larger than thirty-two (32) square feet.
- d. The sign shall be removed immediately after the property is sold, rented or leased and the modification of the sign by placing "sold," "rented" or other modifications indicating the property is no longer for sale, rent or lease is prohibited. A property shall be considered sold when a purchase agreement or similar document which limits the availability of the property has been executed by all parties in interest.
9. There shall be no sign erected, altered or used within any office, R-O research-office or I-L light industrial district except as follows:
- A. Wall signs, as accessory signs.
 - i. Wall signs shall be permitted provided there shall be no more than one (1) sign per street frontage and the sign shall be limited in size to no more than one (1) square foot for each one (1) foot of lineal building frontage, with a maximum area for any single sign and the total area of all wall signs not exceeding one hundred (100) square feet.
 - ii. In those instances where more than one (1) tenant share a building there shall be permitted one (1) wall sign per tenant. The wall signage shall be allocated on a generally equal basis with the total area of all signs to be limited to one (1) square foot for each one (1) foot of lineal building frontage with no single sign being greater than one hundred (100) square feet in area.
 - B. Freestanding signs, as accessory signs. One (1) freestanding sign with a maximum area of thirty-five (35) square feet shall be permitted per development site, providing the building has a minimum front yard setback of forty (40) feet. The sign shall be located, when permitted, according to the following standards:
 - Ground sign:
 - i. Setback minimum from right-of-way., fifteen (15) feet;
 - ii. Height, maximum, five (5) feet.
10. Signs in the M-C medical campus district.
- A. The use of both direction signage within the site and wall signage which is not



legible from a public thoroughfare shall not require sign permits from the township. The planning commission, however, may request that information on signage be provided as part of the site plan approval to insure that a coordinated approach to signage within the site is provided and that such signage while adequate to provide direction and identification is not excessive.

B. For those signs which are legible from, or, are oriented to the public thoroughfare the following provisions shall apply as specified:

i. Wall signs, only as accessory signs shall be permitted providing there shall be no more than one (1) sign per street frontage and the sign(s) shall be limited in size to no more than one (1) square foot of area for each one (1) lineal foot of building frontage, with a maximum area for any single sign and the total area of all wall signs not exceeding one hundred (100) square feet.

ii. Freestanding signs, as accessory signs:

a. One (1) freestanding sign with a maximum area of fifty (50) square feet shall be permitted per development site, subject to the following standards:

b. Minimum setback from the right-of-way: Fifteen (15) feet.

c. Maximum sign height: Five (5) feet.

d. A second freestanding sign may be permitted by the planning commission along the major thoroughfare street frontage providing it is the same size and design as the first permitted sign and that the distance between the two (2) signs is no less than three hundred (300) feet.

e. The campus setting for buildings and uses may require that directional and identification signage be used within the campus district and such signage shall not be subject to the provisions of this section so long as these directional and identification signs are not

oriented and legible to major thoroughfare traffic or residential areas.

11. There shall be no sign erected, altered or used within the I-OP industrial-office park district except as herein specified:

A. Freestanding signs as accessory signs:

i. One (1) freestanding sign with a maximum area of fifteen (15) square feet shall be permitted per development site, providing the building has a minimum front yard setback of fifty (50) feet from a public right-of-way, or sixty (60) feet from a private industrial road. The sign shall be located adjacent to the thoroughfare providing access into the site according to the following standards:

Ground sign:

a. Setback minimum from right-of-way--15 feet.

b. Setback minimum from private roads--25 feet.

c. Height maximum--5 feet.

ii. There shall be permitted one (1) freestanding sign with a maximum area of twenty-five (25) square feet at the entrance to an industrial park development adjacent to a major or secondary thoroughfare or collector street. Where the development contains more than one (1) entrance, one (1) sign shall be permitted at each entrance, provided there is a minimum distance of five hundred (500) feet between signs. Such signs shall meet the setback and height requirements as described in Section 26-5.15 above. These provisions apply regardless of the number of industrial park subdivisions or developments which share access to a major or secondary thoroughfare or collector street.

B. Directory signs for multitenant buildings as accessory signs: In multitenant buildings there shall be permitted one (1) wall-mounted or freestanding directory sign limited in size to no more than two (2) square feet for each individual business within the building. Identification for each tenant shall be allocated on an equal basis. Freestanding directory signs shall be



located within ten (10) feet of the principal structure and shall not exceed a height of eight (8) feet.

14. Within the REC district, there shall be no sign erected, altered or used except as herein specified:
 - A. Wall signs as accessory signs. There shall be no more than one (1) sign per street frontage. The area of the sign shall be no greater than one-half square foot for each one (1) foot of lineal building frontage; however, the maximum area for any single sign shall not exceed fifty (50) square feet.
 - B. Freestanding signs as accessory signs. One (1) freestanding sign with a maximum area of twenty-five (25) square feet shall be permitted per site per site entrance. If the site has more than one (1) entrance, there shall be not more than two (2) signs and there must be a distance of two hundred (200) feet between the signs. The freestanding sign shall have a minimum setback from the right-of-way of fifteen (15) feet. The maximum height of the sign shall be five (5) feet.

5.17 RESERVED

5.16 TRASH

1. Trash containers in all zoning districts other than single-family shall be screened on four (4) sides with an opaque fence or wall at least as high as the trash container and shall be constructed of material which is compatible with the architectural materials used in the site development. Gates which provide access to the container for maintenance shall be made of an opaque material also compatible with the architectural materials used in the site development. The location of the dumpster or other trash container unless specific exception is provided by the planning commission, shall be adjacent to the building. The commission may further require internal storage and/or the use of trash compactors where, in the determination of the commission, the public health, safety and welfare is served.
2. Trash pickup in RM multiple-family districts. The use of central trash collection areas with large trash containers shall not be permitted within multiple-family developments unless a specific exception is allowed by the planning commission. In the specific instances where an exception is granted, the dumpsters shall be screened on three (3) sides with masonry walls and a separate walk-in entrance shall be provided in addition to the gated service entrance.



5.18 RESERVED

5.19 RESERVED

5.20 RESERVED

5.21 RESERVED

5.22 CONDOMINIUM SUBDIVISION SITE STANDARDS

1. Condominium lots; building envelope. The condominium subdivision plan shall indicate specific parcel dimensions with front, rear and side lot lines allocated to each condominium dwelling unit. For the purpose of this section, these parcels shall be referred to as condominium lots. The description, size, location and arrangement of the condominium lots shall conform to the requirements of a conventionally platted subdivision. Condominium lots shall mean and include the condominium unit, including the building envelope and the contiguous limited common element or area under and surrounding the building envelope and shall be the counterpart of "lots" as used in connection with a project developed under Act 288 of the Public Acts of 1967, as amended. The building envelope on a condominium lot shall mean the "footprint" or ground area occupied or to be occupied by the residence which is, or is intended to be, placed on a condominium lot, together with any permitted attached accessory structures.
2. Area and bulk requirements. Each condominium dwelling unit shall be located within a condominium lot and shall comply with the area and bulk requirements of this section. The minimum size condominium lot per dwelling unit, maximum dwelling unit height, minimum yard setbacks, minimum floor area per dwelling unit and maximum percentage of lot area covered by all buildings shall conform to the standards of article 3, Zoning Districts, for the applicable one-family zoning district. The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines. The sizes, shapes and arrangement of the condominium lots shall comply with section 21-43 of the subdivision and land division regulations.
3. Density. The maximum gross density (including roads) shall not exceed the density of a conventionally platted subdivision after giving consideration to the application of the wetland and woodland ordinances and to all other considerations bearing upon feasible density. The intent of this section is to authorize the same density for condominium lots as would be permitted for subdivision lots established under Act 288 of the Public Acts of 1967, as amended, on the same property.



4. Streets. The plan for the condominium project shall specify whether the roads within the development will be public or private. In addition to the township and/or county engineering requirements:
 - A. If a road is specified "public" in the plans:
 - i. The developer shall comply with the procedures for plat development promulgated by the Oakland County Road Commission, which include the submission to the Oakland County Road Commission of three (3) copies of a preliminary site condominium plan. Following the Oakland County Road Commission's review, the developer shall make the required modifications and submit the plans for preliminary plan approval. Following preliminary plan approval, preliminary construction plans shall be prepared and the Oakland County Road Commission shall be furnished with three (3) copies for its review. Construction plan approval must be received as a condition of final site condominium approval. During construction, the developer shall comply with all inspection procedures for the township and the Oakland County Road Commission.
 - ii. The developer shall dedicate and the road commission must accept, all roads designated "public" on the site condominium plans prior to the issuance of any certificate of occupancy, subject to the provisions of Subsection 26-6.4.3.J.
 - B. Any road designated "private" on the site condominium plan shall be developed to the minimum design, construction, inspection, approval and maintenance requirements of chapter 21, Subdivision and Land Division and chapter 24, Water Supply and Sewage Disposal Systems, and shall contain a minimum easement width of sixty (60) feet, with turnaround areas no less than one hundred twenty (120) feet in diameter.
 - C. The developer shall dedicate and the appropriate governmental entity and/or agency must accept any land, easements and/or rights-of-way within the condominium subdivision necessary for the streets adjacent to the condominium subdivision to meet the requirements of

chapter 21, Subdivision and Land Division and chapter 24, Water Supply and Sewage Disposal Systems, and the Township Master Plan prior to the issuance of any certificate of occupancy.

5. Water supply and sewage disposal systems. All water supply and sewage disposal systems shall be designed and constructed in accordance with chapter 21, Subdivision and Land Division, and chapter 24, Water Supply and Sewage Disposal Systems.
6. Safety paths. Safety paths shall be constructed in accordance with Section 21-69 of the subdivision and land division regulations.
7. Trees. A minimum of three (3) full-size trees per condominium lot shall be planted in the front yard as provided in Section 21-67 of the subdivision and land division regulations.
8. Wetland and floodplain restrictions. There shall be no development or modification of any kind within a designated wetland without there first having been issued a wetland permit by the township in accordance with the provisions of chapter 12 of this Code.
9. Woodland restrictions. There shall be no development or modification of any kind within a designated woodland without there first having been issued a woodland permit by the township in accordance with the provisions of Section 26-3.1.21.
10. Compatibility:
 - A. Condominium dwelling unit construction. All new home construction under this section shall comply with the requirements of article VI, Single-Family Construction Review, of chapter 8, Buildings and Building Regulations.
 - B. Condominium lot width. Where the condominium subdivision proposes up to four (4) single-family dwelling units, the minimum required condominium lot width shall be determined by Subsection 26-3.5.2.M. Where the condominium subdivision proposes five (5) or more single-family dwelling units, the proposed lots shall comply with the provisions of article 3, District Standards, exclusive of 26-3.5.2.M.

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5.23 SAFETY PATHS

1. For all new development for which a site plan is required, safety paths located on the subject property a minimum of one (1) foot inside the property line shall be constructed along major and secondary thoroughfares and collector roads unless the planning commission finds that a safety path would serve no purpose in such location or that an alternate location would be in the public interest.
2. At the election of the owner of the subject property and approval of the planning commission, required safety paths may be installed off the subject property a minimum of one (1) foot outside the property line on the condition that such owner can demonstrate that he or she has acquired an easement or right-of-way for such purpose.
3. The construction materials and specifications for safety paths shall be specified by the township engineer, taking into consideration the promotion of long-term safety, compatibility with the immediate and surrounding area, construction materials and specifications on adjoining safety paths, the nature of soil conditions and other relevant engineering principles.

5.24 UNDERGROUND UTILITIES

In approving a site plan, the planning commission shall require that all electrical and telephone service lines be placed underground. This provision may be waived by the planning commission if no good purpose is served by the enforcement.



CHAPTER 26

Article 6.0

Development Procedures

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Chapter 26

Article 6.0 Development Procedures

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- 6.2 Review Standards and Procedures for Special Land Uses
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- 6.5 Submittal Procedure for Subdivision Plats (Industrial-Office Park District)



6.0 Development Procedures

6.1 SITE PLAN, SKETCH PLAN AND ADMINISTRATIVE REVIEW (ALL DISTRICTS)

1. Uses Requiring Review. A building permit shall not be issued until a site plan or sketch plan has been reviewed and approved in accordance with this Article and all necessary fees have been paid. The types of review for various types of projects are classified into three (3) types as described below and in the following table.
 - A. Site Plan Review. Site plan review provides the Township with an opportunity to review the proposed use of a site in relation to all applicable provisions of the zoning ordinance and township plans. Site plan review also provides the township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, on and off-site pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare. This process is for new developments, major expansions and as provided in section 6.2, and requires site plan review and approval unless review is allowed under subsections B. or C. below. Formal review and approval of a site plan is required for all special land uses.
 - B. Sketch Plan Review. Small scale projects, small scale expansions or changes in use that are similar or have a less intense impact than the existing uses of the site are allowed to provide less detailed information than a full scale site plan review under certain circumstances. The level of information is intended to be proportionate to the extent of the change and what is adequate to insure proper review for compliance with applicable ordinances and standards. Sketch plans shall undergo a formal review and approval by the Planning Commission.
 - C. Administrative Review. Select small scale projects, minor expansions or minor changes in use to existing sites are also required to provide a sketch plan. In certain circumstances the plan does not require review by the Planning Commission; but shall undergo a formal review and approval by the Community Development Department. The Community

Development Department may forward an application to the Planning Commission if it is determined, in the Community Development Department's discretion, that there are special conditions or the scale of the project requires Planning Commission review.

2. Site Plan Review. Except for special land use and site plan approvals required to be by the Township Board after recommendation from the Planning Commission, the Planning Commission review and approval of site plans is required. Site plan review and approval is required for any development of previously undeveloped property, nonresidential condominiums, special land uses, amendments to previously approved site plans, changes in uses that require structural or site alterations, and all special land uses, including residentially related uses permissible on special approval in one-family districts such as, but not limited to, places of worship, schools and public facilities
 - A. The following information shall be included on site plan submissions:
 - i. General Site Data.
 - a. A completed site plan application signed by the petitioner
 - b. Written documentation of property owner approval.
 - c. The site plan shall be prepared by and carry the seal and signature of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it, and shall consist of one or more sheets necessary to adequately provide the required data.
 - d. The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan's compliance with the applicable Zoning Ordinance standards.
 - e. North arrow and scale should customarily be provided at 1" = 20', or 1" = 30'. For proposals larger than three acres, 1" = 50' or 1" = 100' may be acceptable, provided all important typical areas and Ordinance requirements are thoroughly detailed in clearly

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Types of Plan Review			
Situation/Use	Required Review		
	Site Plan	Sketch Plan	Admin
New Construction			
1. Construction of any building or structure in any zoning district for a non-residential use	PC		
2. Construction of any building or structure containing 3 or more dwelling units in any zoning district	PC		
3. Utilities and essential public service buildings or structures	PC		
4. Establishment of a new special land uses	PC/ TB		
5. Planned Unit Development (PUD)	PC/ TB		
6. Establishment of a condominium	PC/ TB		
7. Construction, reconstruction, erection and/or expansion of a single family or two family dwelling on a single lot or parcel			CDD
8. Erection of or co-location on a wireless communication facility	PC/ TB		
9. Construction of a new parking lot		PC	
Expansion/Modification to Existing Site			
10. Cumulative expansion over what was approved of more than 500 square feet or more than 10% of the gross floor area, whichever is greater, to the building, structure or use subject to review	PC		
11. Cumulative expansion over what was approved of 500 square feet or less or 10% of the gross floor area or less, whichever is lesser to the building, structure or use subject to review		PC	
12. Construction solely on the building interior			CDD
13. Upgrades to building façade to improve the design of the building with materials of equal or higher quality which does not alter the character of the approved plans and complements the surrounding area			CDD
14. Changes to improve barrier-free design or compliance with Americans with Disabilities Act or other federal, state or county regulations			CDD
15. Paving of an existing parking lot			CDD
16. Construction or erection of signs, retaining walls, fences, screen walls, waste receptacles, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment on an existing site that meet all Township Ordinances and does not require Planning Commission waivers or approval			CDD
17. Construction or erection of accessory structures in common areas of residential developments such as gazebos, picnic shelters, and other recreational structures on an existing site that meet all Township Ordinances and does not require Planning Commission waivers or approval			CDD
18. Construction or erection of solar or wind energy systems	Pursuant to Section 5.1 H & I		



Types of Plan Review			
Situation/Use	Required Review		
	Site Plan	Sketch Plan	Admin
Change In Use			
19. Any change of use in land or building to a more intensive use, as determined by the Community Development Department, that may involve substantial change in such features as parking, traffic flow, hours of operation, public services, effluent discharge, that may entail substantial alteration of an important physical aspect of the site	PC		
20. Change in use to a special land use	PC/ TB		
21. Reuse of an existing building where no building expansion is proposed only if the Community Development Department determines the new use is similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts			CDD
PC=Planning Commission TB=Township Board CDD=Community Development Department			

- recognizable form and presented at the customary scale.
- f. Complete legal description of properties and executed and proposed easements.
- g. Parcel identification number.
- h. Size (Lot area) of the site.
- i. Location map showing major roads, nearby cross-streets and property lines.
- j. Zoning of site and all surrounding property. If the site has split zoning, show the line between the districts.
- k. Existing or proposed address.
- l. Location of existing structures and improvements. (Indicate if any such structure or improvement is to be removed).
- m. All above and below ground utilities.
- n. Location of proposed structures and improvements.
- o. Yards/setbacks and critical dimensions between buildings and other site improvements.
- p. Existing structures (buildings, parking, driveways, sidewalks, signs, fences, walks etc.) within

- two hundred (200) feet of all property lines.
- q. Topography at two-foot (2') contours (existing and proposed) within two hundred (200) feet of all property lines.
- r. Benchmarks with USGS Reference Points.
- ii. Building Plans.
 - a. All architectural building elevations (front, sides and rear), longitudinal, and latitudinal building sections.
 - b. Type of surface material and design of all exterior surfaces.
 - c. Dimensioned floor plans (principal and accessory buildings).
 - d. Decks and/or patios (dimensions, location, height and materials).
 - e. All exterior appliances, including, but not limited to, cooling towers, dust collectors, air conditioner and other condensers, evaporators, heat pumps, generators and other noise producing mechanical equipment or system components, and method of screening.
 - f. The gross and usable floor areas within the proposed building(s).

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- iii. Access, Parking and Circulation.
 - a. Preliminary approval from the Road Commission for Oakland County for driveway locations and other improvements within the public right-of-way.
 - b. Existing and proposed rights-of-way for all abutting roads.
 - c. Location and dimensions of all driveways and street approaches.
 - d. Indicate the type of surfaces and curbs, including appropriate details.
 - e. Parking spaces (location, number, dimensions, aisle dimensions and surface material).
 - f. Site circulation pattern (direction of pedestrian and vehicular traffic flow if one way or not obvious from the arrangement).
 - g. Identification of all fire lanes.
 - h. Safety paths, interior walks and their connection. Interior sidewalks shall provide a connection to the eight (8') foot exterior safety paths.
 - i. Carport locations and details (including architectural elevations).
- iv. Environmental Features.
 - a. Environmental features regulated by the Township such as wetlands, watercourses, floodplains, environmental feature setbacks, and woodlands.
 - b. Complete landscaping plan, including ground cover and the location, number, type and size of all proposed plantings prepared and sealed by a landscape architect registered in the State of Michigan.
 - c. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to size, type and whether existing or proposed.
 - d. Greenbelts, walls and/or berm details. (Provide at least one cross-section for each type used.)
 - e. Site irrigation (sprinklers). Indicate all areas to be irrigated.
 - f. Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
- v. Other Information.
 - a. Location of all site utilities including fire hydrants and Fire Department connections (if applicable)
 - b. Trash receptacles and method of screening.
 - c. Site lighting details (location, height, type, intensity, method of shielding, and a ground level illumination plan (if required)) demonstrating compliance with Section 26-5.6.
 - d. Park and/or recreation areas (show boundary and size in square feet).
 - e. Fences, screen walls, or other similar structures (location and details).
 - f. Statistical data shall be furnished, including: number of dwelling units, size of dwelling units, number of bedrooms and the total gross acreage (Lot area) involved.
 - g. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, noise/sound pressure level and other data for all such equipment or machinery shall be indicated.
 - h. Location of storage, use and disposal areas for all hazardous substances, and evidence of approval by the applicable Federal, State or local review agency.
 - i. List of hazardous substances and materials that will be used, stored, present or generated at the proposed facility.
 - j. If phasing is proposed or intended, it shall be clearly shown on the site plan.



- k. Traffic Impact Studies or Market Studies, as required by the Planning Commission or Township Board.
 - l. The Planning Commission or Township Board with approval authority may waive site plan requirements of this section that are not necessary to the review and understanding of the site.
 - m. The Planning Commission or Township Board may require additional information necessary for the review and understanding of the site.
- B. In the process of reviewing the site plan the following shall be considered:
- i. One-family development on the basis of a subdivision and in accord with the procedures and standards of the Township Subdivision Regulations (Chapter 21); Subdivision Open Spaces Plans (Sec. 26-3.12.1.); Average Lot Sizes (Sec. 26-3.12.2); One Family Clustering Options (Sec. 26-3.12.3); Planned Subdivision Options (Sec. 26-3.12.4); Condominium Subdivisions (Sec. 26-5.22) and Planned Recreation Development (Sec. 26-3.1.19).
 - ii. Applicable general district regulations contained in article 5 of this chapter.
 - iii. Applicable specific standards for the zoning district(s) in which the subject property is located.
 - iv. Applicable standards for special land uses.
3. Administrative and Sketch Plan Review
- A. This section provides for review and approval by the Planning Commission or Community Development Department of plans for small scale or minor projects, expansions or changes in use as provided in subsection 1. above.
 - B. The minimum contents of a plan submitted for administrative or sketch plan review shall be in accordance with the following.

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Administrative and Sketch Plan Submittal Requirements	
Cover Sheet	
1.	Completed application form and fee
2.	Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions
3.	Scale and north arrow
4.	Location map drawn to a separate scale with north point, showing surrounding land use, environmental features and roads within a quarter mile
5.	Size and dimensions of the site
6.	Legal and common description and parcel identification number of property
7.	Identification and seal of registered or licensed architect, engineer, land surveyor, community planner or landscape architect who prepared drawings
8.	Zoning classification of petitioner's parcel and all abutting parcels
9.	Lot coverage calculations based on lot area and for area occupied by environmental features
10.	A use statement including a general operations plan with a description of the nature of the existing and/or proposed use or activity, noise impacts, hours of operation, the number or employees, and other features or impacts of the existing and proposed uses
Buildings and Structures	
11.	Existing and proposed buildings and parking lots with dimensions and setbacks within 200 feet of the proposed development
12.	Floor plan indicating existing and proposed uses
13.	Building elevations including materials and colors for all sides with proposed changes
Parking and Access	
14.	Existing and proposed parking calculations
15.	Existing and proposed driveways
Site Data	
16.	Existing and proposed landscaping illustrated on the plan and described in a plant list
17.	Proposed changes to grading and other natural features
18.	Existing and proposed lighting, exterior appliances and screening
19.	Proposed changes to utilities

- C. If sketch plan submitted for review is for a site that is the subject of a previously approved site plan, that complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
- D. The Community Development Department or Planning Commission may waive a plan requirement in subsection B above if it is

- not necessary to determine compliance with the standards of this Article.
- E. The Community Development Department may require additional information or a complete site plan for review by the Planning Commission in any case, specifically including sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting Residential Districts, and sites



- experiencing or determined to present significant problems with drainage, traffic, noise, aesthetics or other general health and safety issues.
4. Effective period. Site plan and sketch plan approval shall be effective for a period of one (1) year. If a building permit is not obtained within that year, then the site plan or sketch plan approval shall expire.
 5. Extensions. The effective period for site plan and sketch plan approval under subsection 4 may be extended as provided in this subsection.

An extension of plan approval must be requested in writing prior to the expiration of the approval period, with any extension that is granted to be effective for one (1) year from that expiration date.

- A. A maximum of two (2) one (1) year extensions may be granted. An extension of plan approval shall be void in the event of rezoning that is inconsistent with the use for which it was granted.
- B. It is the obligation of the applicant to show good cause for the granting of the requested extension(s). The Planning Commission shall consider the following factors in its determination of whether good cause exists:
 - i. The extension shall be based on evidence from the applicant that the development shall commence construction within the extension period.
 - ii. The applicant has demonstrated that needed utility services have been delayed.
 - iii. The applicant has demonstrated that technical reviews of the final site plan have raised unforeseen development problems.
 - iv. The applicant has demonstrated that unforeseen economic events or economic conditions have caused delays.
 - v. The approved plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations.
 - vi. There is no pending zoning ordinance which would substantially change the requirements of the approved plan.

- vii. Any other extraordinary factors which the Planning Commission deems appropriate.
 - C. Any plan that expires prior to the filing of a written request for extension shall require a new site plan submittal for review and approval by the township.
 - D. A plan that was approved prior to the effective date of the ordinance that added this subsection (3) may be extended under its provisions, provided that the request for extension was made prior to the expiration of the approved plan.
6. Amendment to Approved Plans. Amendments to an approved site or sketch plan may occur only under the following circumstances:
 - A. An applicant or property owner who has been granted plan approval shall notify the Community Development Department of any proposed amendment to such approved plan.
 - B. Minor Changes. Minor changes may be approved by the Community Development Department prior to the issuance of any permits affected by the modification. The Community Development Department must provide written documentation to the Planning Commission that the proposed revision does not alter the basic design, standards of this Article or any specified conditions of the approved plan. This documentation shall be provided to the Planning Commission prior to the issuance of any permits affected by the modification. If the Planning Commission determines the modification is not minor, the modification shall be reviewed in accordance with subsection C. below. In making its determination, the Community Development Department shall consider the following to be a minor change provided that all other Ordinance requirements and previous conditions of approval are met:
 - i. Change in size of structures, for residential buildings by five percent (5%) or less, provided that the overall density of units does not increase.
 - ii. Change in square footage of non-residential buildings by five percent (5%) or less or five hundred (500) square feet, whichever is smaller.
 - iii. Movement of building(s) or structure (s) by no more than five (5) feet.

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- iv. Replacement of plantings approved in the site plan landscape plan by similar types, sizes and approximate location and number of landscaping which provides a similar effect on a one-to-one (1:1) or greater basis.
 - v. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, etc. as required by the Road Commission for Oakland County or the Development Services Department.
 - vi. Changes of building materials to a higher quality which does not alter the character of the approved plan.
 - vii. Changes in floor plans which do not alter the character of the use.
 - viii. Slight modification of sign placement or reduction of size.
 - ix. Slight realignment of safety paths or internal sidewalks.
 - x. Internal rearrangement of parking lot which does not change the number of parking spaces or alter access locations or design.
 - xi. Changes required or requested by the Township for safety reasons.
- C. Major Changes. Should the Community Development Department determine that the requested modification to the approved site or sketch plan is not minor, as defined in subsection B. above, the Planning Commission shall be notified in writing that the plan has been suspended. If construction has commenced, a stop work order shall be issued for the portions of the project deemed not to be in compliance. This documentation shall be provided to the Planning Commission prior to the issuance of any permit affected by the modification to allow for Planning Commission review. For any requested modification that has been determined not to be minor, whether the project is under construction or not, the applicant shall prepare and submit a revised plan to the Community Development Department for review by the Planning Commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified. Modifications to approved plans shall not be made unless approved as described in this section.

6.2 REVIEW STANDARDS AND PROCEDURES FOR SPECIAL LAND USES

Uses permissible on special approval in all districts shall require a public hearing and public notification in accordance with the provisions of Section 26-6.3.

1. The planning commission shall hold a public hearing on the site plan and special use.
2. The planning commission shall make findings and issue a recommendation on the special use after consideration of the following:
 - A. Whether or not the use is compatible with already existing uses in the area;
 - B. Whether or not the use would interfere with orderly development of the area; and
 - C. Whether or not the use would be detrimental to the safety or convenience of vehicular or pedestrian traffic;
 - D. Whether or not the use complies with the conditions imposed for the use per the ordinance.
3. District specific requirements for special approval uses :
 - A. **In the R-10, R-12.5 and R-15 one-family residential districts and the OR-2 and IOP districts.** Township board review and approval of the site plan and special use shall be required after the public hearing and recommendation by the planning commission.
 - B. **In the OR-1 district.** The planning commission shall establish the minimum number of parking spaces required for the proposed special use tenant and all other uses on the site. The parking determination shall note the portion of the building being used for the special use, the special use occupancy, hours of operation and other factors which the planning commission deems necessary to assure the special use is compatible with the area.
 - C. **In the I-OP District.** Some special approval uses may only be appropriate for those parcels, or combination of parcels having frontage on Haggerty Road.
 - D. **In the REC district.**
 - i. The planning commission review shall be initiated by the applicant submitting a proposed site plan, which shall be reviewed based upon customary site plan review standards, and shall further be reviewed based upon the following:



- a. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses in the area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and principles, with surrounding uses and the orderly development of the surrounding area as contemplated in the zoning ordinance and master plan.
- b. The proposed use shall be of a nature that an unreasonable hazard shall not be created with respect to vehicular and pedestrian traffic, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking, and provisions for pedestrian traffic, with particular attention to minimizing child and moving vehicle conflict. In those instances where permanent seating is proposed, there shall be parking provided at a ratio of one (1) parking space for each three (3) seats in the grandstand, in addition to the other required parking which may be associated with the use of the parcel as provided in this section.
- c. The proposed use shall be such that the proposed location and height of buildings or structures will not interfere with nor discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- d. The proposed use shall relate harmoniously with the adjacent land uses in terms of aesthetics, impact upon enjoyment of property, harmonious signage and structures.
- e. The proposed use shall be designed, located, planned and operated in a manner which will

not threaten nor endanger the public health, safety and welfare.

- f. The proposed use shall be designed so as to recognize the natural resources and natural features of the parcel and to minimize the disruption of those features within the context of the special use which is proposed.
- g. In reviewing the design and layout of structures and features of the development, the planning commission shall, among other things, review and consider: perimeter setbacks and berming; internal thoroughfares; drainage and utility design; achievement of an integrated development with respect to signage; outdoor lighting; landscaping and building materials; and noise reduction and visual screening, particularly in cases where the use adjoins residentially zoned property.
- h. The manner of refuse collection, storage and removal shall be part of the site plan approval and dumpsters shall be screened.
- i. The use of outdoor lighting, outdoor speakers and accessory activities such as snack bars, picnic areas and sanitary facilities shall be part of the site plan approval and shall be located and operated as to not create an unreasonable nuisance or annoyance to surrounding properties. In no case shall speakers or lights be directed toward residential development.
- ii. Special approval uses which are approved in the REC district must be exercised within eighteen (18) months from the date of approval or the right of special use will expire.

6.3 PUBLIC HEARING REQUIREMENTS AND NOTIFICATION PROCEDURES

In those instances where a public hearing is required, the reviewing board or commission shall hold a public hearing and the Township shall:

- 1. Publish notice of the request in a newspaper of general circulation in the Township.



2. Give notice, by mail or personal delivery to the owners of property for which approval is being considered, to all lake, condominium, and subdivision associations registered with the Township, and to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used to address the notification.
3. The notice shall:
 - A. Be given not less than 15 days before the date the application will be considered for approval
 - B. Describe the nature of the request.
 - C. Indicate the property that is the subject of the request.
 - D. Include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - E. State the date time and place where the request will be considered.
 - F. Indicate when and where written comments will be received concerning the request.
 - G. The cost of this notification shall be borne by the applicant at a fee established by the township board.

6.4 CONDOMINIUM SUBDIVISIONS SINGLE FAMILY RESIDENTIAL

The intent of this section is to provide procedures for the review and approval or denial of one-family detached residential subdivisions implemented under the provisions of the Condominium Act (Act

59 of the Public Acts of 1978, as amended). Refer to Section 5.22 for design standards for condominium subdivisions. These review and design standards are intended to ensure that such developments are consistent and compatible with conventional one-family detached residential subdivisions established in accordance with Act 288 of the Public Acts of 1967, as amended, and to promote the orderly development of adjacent areas.

1. In general. For the purpose of this section, a condominium subdivision shall include any development in a one-family residential district proposed under the provisions of the Condominium Act consisting of two (2) or more single-family detached residential structures on a single parcel. The provisions of this section shall not apply to condominium developments proposed under the one-family clustering option.
2. Plan review procedure. All condominium subdivisions shall conform to the plan preparation requirements and review and approval procedures of Section 26-3.12.3.F, submittal procedures for site plan approval under the one-family clustering option. The township board have final authority for approval of the condominium subdivision. Approval of the site plan shall be effective for a period of one (1) year and shall thereafter be void and of no effect unless such one-year period is extended by the township board based upon a request made during the period of effectiveness and based upon good cause shown by the proponent of the development.
3. Condominium subdivision plan approval:
 - A. If the township board approves the condominium subdivision plan, it shall instruct the township attorney to prepare a contract setting forth the conditions upon which such approval is based. Such contract, after approval by the township board, shall be entered into between the township and the petitioner prior to the issuance of a building permit for any construction in accordance with the approved condominium subdivision plan. All reasonable costs, as established by the township board, related to the preparation of such contract shall be paid by the petitioner.
 - B. As a condition of the approval of the subdivision plan by the township board, the petitioner shall furnish a cash bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in



the amount of the cost of the proposed improvements to the open land, as estimated by the township engineer and township planner, guaranteeing the completion of such improvement within a time to be set by the township.

- C. The township board may require the preparation and recordation of master deed provisions and/or deed restrictions and/or an open space agreement in a form approved by the township attorney. The purpose of such documentation shall be to ensure use of the condominium subdivision in a manner consistent with township ordinances, all applicable law and consistent with reasonable conditions imposed upon the use of the condominium subdivision by the township board. The master deed shall also be reviewed by the township attorney to ensure inclusion of a provision enabling statutory proceedings for public road improvement special assessments in a form provided by adopted resolution, rule or ordinance of the road agency having jurisdiction of the roads within and/or adjacent to the condominium subdivision.
- D. Prior to the issuance of building permits for units, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the condominium subdivision, including, without limitation, roads, drainage, water supply and sewage disposal.
- E. Prior to issuance of certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction and the building director shall determine that all improvements have been completed in accordance with approved plans. If the building director determines that a temporary certificate of occupancy may be issued prior to full completion, such a temporary certificate of occupancy may be granted for a specified period on the condition that a suitable letter of credit or corporate surety bond is issued by a company licensed to do business in Oakland County, in a form and in the amount approved by the building director following advice from other township departments or consultants, or on the conditions that an escrow is established with the escrow agent and escrow

agreement approved by the building director, following advice from other departments and township consultants. The security shall be in an amount equal to one and one-half (1 1/2) times the cost of the improvement based upon either a contract executed for completion of the improvement or estimate of the cost by the township engineer, as determined appropriate by the building director.

- F. Any proposed amendment of the master deed which would involve any subject matter reviewed or reviewable under this section shall first be reviewed and approved by the township board prior to recordation.
- G. Fees. The required fees for the planning commission and township board review of condominium subdivision shall be equal to the fees as established for single-family development under the one-family clustering option.
- H. The master deed shall include a procedure for the dedication to the public of any road designated "private" on the site condominium plan, including the method of voting on the dedication issue by the condominium co-owners. In this regard, if improvements to the road are required by the road commission as a condition to acceptance of the dedication, the master deed shall also provide a means of financing and accomplishing such improvements so that each co-owner would participate and cooperate in the improvements by way of special assessment financing, either through the association or through the township or county.
- I. The master deed shall make provision for the pursuit and finance of improvements to public and private roads within the condominium subdivision apart from dedication. The master deed shall specify the voting requirement by co-owners in order to approve such improvements, and the finance of such improvements by way of special assessment within the association or a special assessment at the appropriate governmental level.
- J. If the condominium subdivision is to be developed in phases, each phase of the development shall comply with the provisions of this section. The condominium subdivision plan review must

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include all phases of the development, and all approvals must be received for all phases prior to the improvement of the initial phase. Each phase may be treated as a separate development for purposes of Subsection 26-5.22.4.A.ii, only, to allow certificates of occupancy for each phase to be issued upon dedication and acceptance of the roads designated "public" in the respective phase of the development. All dedications required in Subsection 26-5.22-4.C, however, must be accepted prior to the issuance of any certificate of occupancy for the development.

6.5 SUBMITTAL PROCEDURE FOR SUBDIVISION PLATS (INDUSTRIAL-OFFICE PARK DISTRICT)

1. If the proposed development involves application for approval of a subdivision for platting within the industrial-office park district, said plat shall conform to the requirements of the subdivision regulations of West Bloomfield Township as modified by this section and the state plat act.
2. The application shall include a copy of the Proposed development superimposed on a recent aerial photograph so that it can be related to the location of all existing and proposed structures and natural features on the subject property and within one hundred (100) feet of the subject property.
3. A site plan shall be submitted to the planning commission for review and approval of any use or development on a parcel of land or on a platted lot within the industrial-office park district.
4. Site plans submitted to the planning commission shall be in accordance with this section and the provisions of Section 26-6.1.
5. All uses proposed to occupy any building or any proposed exterior modification to a structure or building or site modification shall be subject to review by the planning director or authorized designee to assure compliance with this section.



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CHAPTER 26

Article 7.0

Administration, Appeals and Enforcement



Chapter 26

Article 7.0 Administration, Appeals and Enforcement

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7.0 Administration, Appeals and Enforcement

7.1 NONCONFORMING LOTS, STRUCTURES & USES

1. Intent. Within the districts established by this chapter or amendments that may later be adopted there exists lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after June 1, 1966 by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual building construction was lawfully begun prior to June 1, 1966, or upon amendment hereto, and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
2. Nonconforming lots.
 - A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on June 1, 1966, or upon amendment hereto; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to

the regulations for the district in which such lot is located. Variance to yard requirements may be obtained through approval of the board of appeals.

- B. If two (2) or more lots or combination of lots and portions of lots with a continuous frontage and single ownership are of record on June 1, 1966, or upon amendment hereto, or any time thereafter; and if all or part of the lots do not meet the requirements for lot width or area as established by this chapter, the lands involved shall be considered an undivided parcel for the purpose of this chapter, and no portion of the parcels shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirement stated in this chapter.
- C. In a platted subdivision where lots do not meet the area width and open space requirements of this chapter, and where a substantial number of the lots in an immediate area have an established residence built thereon, this requirement may be waived by the board of appeals provided that:
 - i. No good purpose would be served by enforcing such a requirement;
 - ii. A sanitary sewer is available or necessary permits for sewage treatment are available from the department of health;
 - iii. Lot width and area conform to that which has been established as a pattern of development for the immediate area;
 - iv. Side yard setbacks meet those required in Section 26-3.5.2.A;
 - v. In the case of such a lot where open space requirements do not permit a building which meets the minimum floor area requirements of the district, front or rear yard setbacks may be reduced to conform to that which has been established in the immediate area.
3. Nonconforming uses of land. Where, on June 1, 1966, or upon amendment hereto, lawful use of land exists that is made no longer permissible under the terms of this chapter as

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enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
 - B. 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 on June 1, 1966, or upon amendment hereto.
 - C. If such nonconforming use of land ceases for any reason for a period of more than thirty (30) days or a nonconforming use which is seasonal in nature is discontinued or does not open for business during a twelve-month period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. Nonconforming structures. Where a lawful structure exists on June 1, 1966, or upon amendment hereto, that could not be guilty under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of one (1) structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
 - B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
 - C. 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.
5. Nonconforming uses of structures and land. If a lawful use of a structure, or of structure and land in combination, exists on June 1, 1966, or upon amendment hereto, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, reconstructed or moved except in changing the use of the structure to a use permitted in the district in which it is located.
 - B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed on June 1, 1966, or upon amendment hereto, but no such use shall be extended to occupy any land outside such a building.
 - C. Any nonconforming use of a structure, or structure and premises may be changed to another nonconforming use provided that the board of appeals either by general rule or by making findings in the specific case shall find the proposed use is equally appropriate to the district than the existing nonconforming use. In permitting such change, the board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.
 - D. 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.
 - E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three-year period or structures occupied by seasonal uses which are discontinued or do not open for business during an eighteen-month period, 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.
 - F. 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.
6. Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on



ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding the state equalized value of the buildings, provided that the cubic content of the building as it existed on June 1, 1966, or upon amendment hereto, 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.

7. Uses under exception provisions, not nonconforming uses. Any use for which a general exception or special approval is permitted as provided in this chapter shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.
8. 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 except in conformity with the provisions of this chapter.
9. Condemnation nonconformities. The regulations in this Subsection 26-7.1.9, shall apply to lawfully existing and conforming lots, buildings, structures and improvements that become nonconforming with one (1) or more regulations in this chapter as a result of a property acquisition for a public purpose by a public agency, referred to in this section as "acquisition." When used in this section, "improvement" means conditions required on a lot by this chapter or an approval granted under it, including, but not limited to, landscaping, landscaped yards, screen walls or fences, greenbelts, site lighting, trash containers and enclosures, open spaces and preservation areas.
 - A. Subject to and conditioned on issuance of a certificate of occupancy under Subsection 26-7.1.9.E, the size, width and percentage of a lot covered by buildings, structures and/or impervious surfaces that results from an acquisition shall be considered to be in conformity with those regulations in the appropriate district or other provisions of this chapter, with that size and width thereafter considered as the minimums required and the coverage thereafter considered as the maximum allowed by this chapter.

- B. Subject to and conditioned on issuance of a certificate of occupancy under Subsection 26-7.1.9.E, the setbacks of a building or structure that result from an acquisition shall be considered to be in conformity with the setback regulations in the appropriate district or other regulations in this chapter, with those setbacks thereafter considered as the minimums required by this chapter.
- C. Subject to and conditioned on a planning commission determination under Subsection 26-7.1.9.F, if an acquisition results in alteration or removal by or at the direction of the acquiring public agency of part of a building, structure or improvement, any parts remaining shall be considered to be in conformity with the regulations in this chapter.
- D. A property owner that desires to alter or remove part of a building, structure or improvement after an acquisition may apply to the planning commission for a determination that any parts remaining be considered to be in conformity with the regulations in this chapter as provided in Subsection 26-7.1.9.F.
- E. The existence, nature and extent of a conforming lot, building or structure status recognized in Subsections 26-7.1.9.A and 26-7.1.9.B must be documented by a certificate of occupancy applied for and issued as provided in Section 26-7.6.
- F. The existence, nature and extent of a conforming building, structure or improvement status recognized in Subsections 26-7.1.9.C and 26-7.1.9.D must be documented by and shall be subject to conditions imposed in a planning commission determination as provided in this subsection, which shall be by a site plan or amendment approval under Section 26-6.1 for all lots except one-family residences.
 - i. Applications shall include an accurate plan of the lot that shows and describes:
 - a. The pre-acquisition compliance with this chapter of the building, structures and improvements for which conforming status is recognized and sought.
 - b. The portions of the lot acquired by the public agency and any

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restrictions on that area if acquired by easement.

- c. Any removals or alterations by or at the direction of the acquiring public agency.
 - d. Any removals or alterations that are not by or at the direction of the acquiring public agency.
 - e. For each building, structure and improvement for which conforming status is recognized and sought that does not comply with a regulation of this chapter, the nature and extent of noncompliance and the extent and manner in which applicant proposes to partially satisfy the regulation.
- ii. For each building, structure and improvement for which conforming status is recognized and sought under Subsection 26-7.1.9.C, the planning commission shall determine the requirements and any conditions determined to be necessary for such status based on providing for compliance with this chapter to the extent reasonable and possible, recognizing that full compliance with all regulations may not be possible and that said determination may involve prioritizing the importance of multiple regulations for which the conforming use status is sought. Buildings, structures and improvements that do not satisfy the requirements and conditions for conforming status determined by the planning commission shall be considered to be nonconforming structures and subject to the provisions in Subsection 26-7.1.4 & 5.
- iii. For each building, structure and improvement for which conforming status is sought under Subsection 26-7.1.9.D, the planning commission may determine the requirements and any conditions determined to be necessary for such status based on providing for compliance with this chapter to the extent reasonable and possible, recognizing that full compliance with all regulations may not be possible and that said determination may involve prioritizing the importance of multiple

regulations for which the conforming use status is sought. Buildings, structures and improvements that the planning commission does not make a determination on or that do not satisfy the requirements and conditions for conforming status determined by the planning commission shall be considered to be nonconforming structures and subject to the provisions in Subsection 26-7.1.4 & 5.

- G. The regulations in this Subsection 26-7.1.9 are not intended to and do not limit the availability of variance relief from the zoning board of appeals.

7.2 BUILDING INSPECTOR– DESIGNATED ENFORCEMENT OFFICER

The provisions of this chapter shall be administered and enforced by the building inspector, or by such deputies of his department as the building inspector may delegate to enforce the provisions of this chapter, who shall be appointed by the township board for such term and subject to such conditions and at such rate of compensation as the board shall determine.

7.3 BUILDING INSPECTOR– DUTIES

1. The building inspector shall have the power to grant zoning compliance 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 inspector 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.
2. The building inspector and/or such other officers or department as shall be designated by the township board, shall record in duplicate, one (1) copy of which shall be filed with the township clerk, all nonconforming uses existing on June 1, 1966, or upon amendment hereto, for the purpose of carrying out the provisions of Section 26-7.1.
3. The building inspector is under no circumstances permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out his duties as building inspector.
4. The building inspector shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant



despite violations of contracts, such as covenants or private agreements which may occur upon the granting of the permit.

7.4 PLOT PLANS

The building inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in duplicate, showing the following:

1. A scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more;
2. Date, north point and scale;
3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties;
4. Except for single-family lots, the location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property line;
5. The location of all existing and proposed parking areas and, except for single-family lots, the location of all drives;
6. The location and right-of-way widths of all abutting streets and alleys;
7. The names and addresses of the person or firm responsible for the preparation of the site plan;
8. When this chapter requires site plan approval by the planning commission and/or township board prior to the use or development of a parcel of land, such approved site plan with required revisions, if any, shall be submitted in duplicate to accompany the application for a building permit and completion of the work indicated on the site plan shall be considered part of that permit.

7.5 PERMITS

The following shall apply in the issuance of any permit:

1. Permits not to be issued. 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. Permits for new use of land. No land heretofore vacant shall be used or an existing use of land be changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

3. Permits for new use of building. 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. Permits 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 township building code, the housing law of the state, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
5. Inspection. The building inspector shall be notified by the person obtaining the permit when the foundations are completed and the inspector shall inspect same within three (3) days after notification. If in conformance with the provisions of this chapter, the building inspector shall endorse such fact upon the building permit.
6. Building permit performance bond:
 - A. Upon the issuance of any building permit, the applicant shall deposit a building permit performance bond. Such bond shall be in the form of cash, in an amount to be specified by resolution of the township board. The purpose of the bond is to assure the township that the applicant shall complete the work called for by the building permit application during the life of the permit and any extensions of the permit; remove or cause to be removed all debris, rubbish and trash on the building site and adjacent right-of-way; establish ditches, culverts and driveway approaches in accordance with the requirements and specifications of all applicable rules, resolutions, ordinances or law; and install any necessary trees as required by the township's code.
 - B. The building permit performance bond shall be returned to the applicant after final inspection and approval by the building inspector, issuance of a certificate of occupancy, inspection and approval by the applicable road agency, and tree installation and approval by the township, plus the necessary length of time required for processing by the township. If demand



is not made for return of the bond within one year after the issuance of a certificate of occupancy, the bond shall be deposited in the general fund of the township.

- C. The building permit performance bond shall be forfeited and deposited in the general fund of the township where work is commenced under any building permit and the conditions of the building permit performance bond as set forth in the preceding paragraphs are not fulfilled during the life of the permit or any extensions of the permit.
- D. Issuance of any temporary certificate of occupancy shall be subject to and in accordance with the provisions of applicable law and ordinances, including Section 26-7.6.1.E below.

7.6 CERTIFICATES

- 1. 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:
 - A. Certificates not to be issued. No certificates of occupancy pursuant to the building code of the township shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
 - B. Certificates 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.
 - C. Certificates including zoning. Certificates of occupancy as required by the building code for new buildings or structures, or parts 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.
 - D. Certificates for existing buildings. Certificates of occupancy shall be issued for existing buildings, structures, or parts 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. Certificates of occupancy

may be issued for business buildings in B-1, B-2 and B-3 zones existing on June 1, 1966, or upon amendment hereto, which change occupancy and which do not provide sufficient parking as required under Section 26-5.8, provided there is no decrease in the number of spaces existing on June 1, 1966, or upon amendment hereto.

- E. Temporary certificates. Nothing in this chapter shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure which is in the process of completion, provided:
 - i. Such portion or portions will be occupied safely prior to full completion of the building or structure without endangering life or public welfare.
 - ii. Such temporary certificate shall not be effective for a period of time in excess of six (6) months, with such six-month period being renewable on the condition that work is progressing toward completion of the building or structure.
 - iii. The portion of the building or structure to be occupied shall be in conformity with the provisions of applicable codes and ordinances.
 - iv. Issuance of the temporary certificate of occupancy shall be conditioned upon the posting of security in the form of cash or letter of credit issued by an institution licensed to do business in the State of Michigan in a form approved by the township to ensure completion of the balance of the building or structure. The township may approve the issuance of a letter of credit by a company if it is determined by the township that drawing on the letter of credit, if needed, would not be unreasonably costly and/or time consuming, and would be reasonably assured. The amount of the security shall be one and one-half (1 1/2) times the amount of the estimated cost of completing the balance of the building or structure. Such security shall be accompanied by a signed writing authorizing the township to disburse the proceeds of the security, to the extent determined by the township to be required, in order to complete the building or structure, if



not completed by the building permit holder within the time specified in the temporary certificate of occupancy.

- F. Records of certificates. A record of all certificates issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the property involved.
- G. Certificates for dwelling accessory buildings. Buildings 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 when completed at the same time as such dwellings.
- H. Applications for certificates. Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished by the township and such certificates shall be issued within ten (10) days after receipt of such application if it is found that the building or structure 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 therefore shall be notified of such refusal and cause thereof, within the aforesaid ten-day period.

7.7 FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the building inspector, immediately upon the completion of the work authorized by such permit, for a final inspection.

7.8 FEES

Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this chapter may be collected by the building inspector in advance of issuance. The amount of such fees shall be established by the building code. A fee to be established by the township board shall be required of applicants for a certificate of occupancy when the certificate is for a change of use of an existing building for which a building permit is not necessary.

7.9 INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this chapter they 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 requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control.

7.10 ZONING COMMISSION

The township planning commission is hereby designated as the commission specified in section 11 of Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3811 et seq.) as amended, and shall perform the duties of the commission so provided in the statute in connection with the amendment of this chapter.

7.11 CHANGES AND AMENDMENTS

1. Procedure. The township board may, from time to time, on recommendation from the township planning commission, or on its own motion, or on petition, amend, supplement, modify or change this chapter in accordance with the authority of Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3202 et seq.) as amended. Upon the filing of a petition by an owner of real estate seeking an amendment of this chapter 26, so as to amend the zoning map, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the township board and shall be used to defray the expense of planning commission. An application for a rezoning shall include written evidence identifying all persons with an ownership interest in the property proposed for rezoning and a written and signed authorization by each such person for submission to and approval by the township of the rezoning application.

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2. Planned rezoning overlay (PRO).

A. Intent.

- i. The planning commission and township board have recognized that, in certain instances, it would be an advantage to both the township and to property owners seeking rezoning if a site plan, along with conditions and limitations that may be relied upon by the township, could be proposed as part of a petition for rezoning. Therefore, it is the intent of this section to provide a tool a property owner may use in connection with the submission of a petition for a rezoning to establish a site specific use authorization under MCL 125.3503, and to accomplish, among other things, the objectives of the zoning ordinance through a land development project review process based upon the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- ii. The option of developing under this section shall be available and approved only upon terms found by the township, in its sole discretion, to meet all of the requirements and standards of this section.

B. Definitions. The following definitions shall apply in the interpretation of this section:

- i. Applicant shall mean the property owner, or a person acting with the written and signed authorization of the property owner to make application under this section.
- ii. Planned rezoning overlay conditions shall mean conditions approved by the township as part of an approval under this section, which shall constitute regulations for and in connection with the development and use of property approved with a planned rezoning overlay in conjunction with a rezoning. Such planned rezoning overlay conditions shall only authorize uses or development permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the PRO agreement), and may include some or all of the following, in addition

to conditions imposed by the township under MCL 125.3504:

- a. The location, size, height or other measure for and/or of buildings, structures, improvements, set backs, landscaping, buffers and other features shown on the PRO site plan.
- b. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like.
- c. Preservation of natural resources and/or features.
- d. Facilities to address drainage/ water quality.
- e. Facilities to address traffic issues.
- f. Preservation of open space.
- g. A written understanding for permanent maintenance of natural resources, features, and/or facilities to address drainage/ water quality, traffic, open space and/or other features or improvements; and, provision for authorization and finance of maintenance by or on behalf of the township in the event the property owner(s) fail(s) to timely perform.
- h. Other provisions proposed by the applicant, the planning commission and/or township board and approved by the township.
- i. Signage, lighting, landscaping, building materials for the exterior of some or all structures.
- j. Permissible uses of the property.
- iii. PRO agreement shall mean a written agreement to be recorded with the register of deeds office approved and executed by the township and property owner, incorporating a PRO site plan, and setting forth planned rezoning overlay conditions, conditions imposed pursuant to MCL 125.3504 and any other terms mutually agreed upon by



the parties relative to land for which the township has approved a rezoning with planned rezoning overlay. Mutually agreeable terms shall include, but shall not be limited to, the following:

- a. Agreement and acknowledgment that the rezoning with planned rezoning overlay was proposed by the applicant to induce the township to grant the rezoning, and that the township relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the PRO agreement; and, further agreement and acknowledgment that the conditions and PRO agreement are authorized by all applicable state and federal law and constitution, and that the agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the township.
- b. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the PRO site plan and PRO agreement.
- c. Agreement and understanding that the approval and PRO agreement shall be binding upon and inure to the benefit of the property owner and township, and their respective heirs, successors, assigns, and transferees.
- d. Agreement and understanding that, if a rezoning with planned rezoning overlay becomes void in the manner provided in this Section 26-7.11, the zoning classification in effect immediately preceding the approval of the rezoning with planned rezoning overlay shall, following notice from the township to the property owner as provided in Subsection 26-7.11.2.E, below, be reinstated without further action by any party, and that no development shall be undertaken or permits for development issued until a site plan has been approved and all other requirements for development and building approval have been met in accordance with

the then established zoning on the property.

- e. Agreement and understanding that each of the requirements and conditions in the PRO agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with planned rezoning overlay, taking into consideration the changed zoning district classification and the specific use authorization granted.
 - f. Other provisions based upon conditions imposed by the township and or otherwise agreed upon by the applicant and the township.
- iv. PRO site plan shall mean a plan for the property which is the subject of a rezoning with planned rezoning overlay, prepared by a licensed civil engineer or licensed architect, that shall show the location, size, height or other measure for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be included within the PRO site plan shall be determined as part of the process of review and approval. Approval of a PRO site plan shall not relieve an applicant from compliance with all site plan review requirements.
 - v. Rezoning shall mean the amendment of this article to change the zoning map classification on property from its existing district to a new district classification.
- C. Authorization and eligibility.
- i. A property owner shall have the option of making application under this Section 26-7.11 in connection with a submission of a petition seeking a rezoning. Such application may be made at the time the request for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning. The application for a planned rezoning overlay shall conform with this section, and shall

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seek a "rezoning with planned rezoning overlay" pursuant to MCL 125.3503, which would represent a legislative amendment of the zoning ordinance, i.e., an amendment of chapter 26 so as to amend the zoning map. An approval of the application shall establish a site-specific use authorization.

- ii. In order to be eligible for the proposal and review of a rezoning with planned rezoning overlay, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a PRO site plan and in a PRO agreement) which are, in material respects, more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, including, but not limited to such regulations as set forth in subparagraphs (1) through (10) of the definition of "planned rezoning overlay conditions", above.
- D. Approval of rezoning with planned rezoning overlay.
- i. Pursuant to MCL 125.3503, the township board, following public hearing and recommendation by the planning commission, may approve a petition for a rezoning with a planned rezoning overlay requested by a property owner.
 - ii. As an integral part of the planned rezoning overlay, the following shall be reviewed and may be approved:
 - a. A PRO site plan, with such detail and inclusions proposed by the applicant and approved by the township in accordance with this section, including details and inclusions reasonably required by the township planning director and/or the planning commission in the interpretation of this section. The PRO site plan shall not replace the requirement for preliminary and final site plan review and approval, or subdivision or condominium approval, as the case may be.
 - b. Planned rezoning overlay conditions, as defined for purposes of this section, which shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the PRO agreement).
 - c. A PRO agreement, approved by the township attorney and attorney for the applicant, shall incorporate the PRO site plan, and set forth the planned rezoning overlay conditions and conditions imposed pursuant to MCL 125.3504, together with any other terms mutually agreed upon by the parties, including the provisions specified in the definition of PRO agreement, above, and such other terms as otherwise expressly or implicitly required in order to meet the intent and spirit of this section.
 - iii. If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "PRO, planned rezoning overlay". The zoning map shall specify the new zoning district plus a reference to "PRO", e.g., the district classification for the property might be "RM-6, Multiple Family with PRO, planned rezoning overlay", with a zoning map designation of "RM-6/PRO". Development and use of the property so classified and approved shall be restricted to the permission granted in the PRO agreement, and no other development or use shall be permitted.
 - iv. The use of the property in question shall be subject to all regulations governing development and use within the zoning district to which the property has been rezoned, including, without limitation, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, development and use of the property shall be subject to the more restrictive requirements shown and/or contained in the PRO site plan, and all



planned rezoning overlay conditions imposed, and all other conditions and provisions set forth in the PRO agreement, required as part of the planned rezoning overlay approval, and such PRO site plan and conditions shall overlay the property in question and supersede all inconsistent regulations otherwise applicable under the zoning ordinance.

- v. The applicant shall have the burden of demonstrating, and the township board must find in its discretion, after recommendation from the planning commission, that there is compliance with all of the following requirements and standards:
 - a. Approval of the application shall accomplish, among other things, the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a planned rezoning overlay.
 - b. Sufficient conditions shall be included in the PRO site plan and PRO agreement on the basis of which the township concludes that, as compared to the existing zoning and considering the site specific land use proposed by the applicant, it would be in the public interest and result in an improvement to the public health, safety and welfare in the area affected to grant the rezoning with planned rezoning overlay. In determining whether approval of a proposed application would be in the public interest and result in an improvement to the public health, safety and welfare in the area affected, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof. In reviewing the applicant's proposal, this comparative assessment by the township shall take into

consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the township, and also taking into consideration the special knowledge and understanding of the township by the township board and planning commission.

- c. Compliance with all of the general standards for the approval of uses subject to special approval are met, as enumerated in Sections 26-3.1.1.C, 26-3.1.2.C, 26-3.1.3.C, 26-3.1.5.C, 26-3.1.6.C, 26-3.1.7.C, 26-3.1.8.C, 26-3.1.9.C, 26-3.1.11.C, 26-3.1.12.C, 26-3.1.14.C, 26-3.1.17.C, and 26-3.1.18.C of this Ordinance.
 - d. Substantial compliance with the goals and objectives of the master plan for land use.
 - vi. The rezoning with planned rezoning overlay shall expire following a period of one (1) year from the effective date of the rezoning unless approved bona fide development of the property pursuant to permits issued by the township commences within such one (1) year period and proceeds in due course to completion. An extension of not longer than one (1) year may be requested by the property owner, and may be granted by the township board upon finding that good cause has been shown. A request for an extension must be submitted in writing during the effective period of the approved rezoning with planned rezoning overlay. In the event bona fide development has not commenced within the effective period of the rezoning with planned rezoning overlay, as the same may have been extended, the rezoning and planned rezoning overlay shall be void and of no effect, and shall be subject to Section 26-7.11.2.E.ii., below.
- E. Effect of noncompliance with or a voiding of a PRO.
- i. If development and/or actions are undertaken on or with respect to the property in violation of the PRO agreement, such development and/or actions shall constitute a nuisance per



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se. In such case, the township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the PRO agreement, the township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

- ii. If the rezoning with planned rezoning overlay becomes void in the manner provided in Subsection 26-7.11.2.E.i, above, the legal effect shall be, following notice from the township to the property owner at the address shown on the township assessor's records, and without any other action, a voiding of the rezoning with planned rezoning overlay as if it had never been approved, in which case the zoning classification in effect immediately preceding the approval of the rezoning with planned rezoning overlay shall be reinstated. After the reinstatement of the zoning previously in effect, as provided above, either or both of the following actions may be taken:
 - a. The property owner may seek a new rezoning of the property; and/or,
 - b. The township may initiate a new rezoning of the property to a reasonable district classification in accordance with the procedure provided by law for rezonings in townships.
- F. Procedure for application, review and approval.
- i. At the time of making application for amendment of chapter 26 seeking a rezoning of property so as to amend the zoning map, or at a later time during the process of township consideration of such rezoning, a property owner may submit an application for approval of a planned rezoning overlay to apply in conjunction with the rezoning. Such a PRO application shall include an affidavit in a form suitable for recording with the register of deeds, signed by or with the signed and written authorization of all property

- owners, that provides notice of the pending rezoning and planned rezoning overlay applications and that township approval may result in restrictions on use and/or development of the property that would otherwise be allowed by the zoning ordinance. The affidavit shall be recorded by the PRO applicant with the register of deeds, with proof of recording to be delivered to the township before the planning commission public hearing described in Subsection iii below is scheduled.
- ii. The application, which may be amended during the process of consideration, shall include a PRO site plan proposed by the applicant and shall specify the planned rezoning overlay conditions proposed by the applicant, recognizing that planned rezoning overlay conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.
- iii. The proposed rezoning with planned rezoning overlay shall be noticed for public hearing before the planning commission as a proposed legislative amendment of the zoning ordinance pursuant to MCL 125.3503.
- iv. Following the public hearing, and further deliberations as deemed appropriate by the planning commission, the planning commission shall make a recommendation to the township board on the proposed rezoning with planned rezoning overlay.
- v. Upon receipt of the recommendation of the planning commission, the township board shall commence deliberations on the proposed rezoning with planned rezoning overlay. If the township board determines that it may preliminarily approve the rezoning with planned rezoning overlay, the township board shall specify tentative conditions under MCL 125.3504, and direct the township attorney to work with the applicant in the development of a proposed PRO agreement.
- vi. Upon completion of the PRO agreement, the township board shall conduct a public hearing and make a



final determination to approve, approve with conditions or deny the rezoning with planned rezoning overlay.

- vii. Amendment of PRO agreement. Amendment of a PRO agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with planned rezoning overlay.
- viii. Recordation of PRO agreement. A rezoning with planned rezoning overlay shall become effective following publication in the manner provided by applicable laws and ordinances, and, after recordation of the PRO agreement, whichever is later.
- ix. Fee. The applicant for a rezoning with planned rezoning overlay shall pay as a fee the township's costs and expenses incurred by the township in the review of and preparation of documents for a rezoning with planned rezoning overlay. An escrow shall be established in an amount specified by resolution of the township board, and additional reasonable amounts shall be contributed as required in order to complete the process of review and approval. Any unexpended amounts from such escrow shall be returned to the applicant.

7.12 DECLARATION OF NUISANCE PER SE

Any person, persons, firm or corporation, or anyone acting on behalf of any person, persons, firm or corporation, violating any of the provisions of this chapter shall, upon conviction, be punished as provided in the Township's Code of Ordinances.

7.13 VIOLATIONS AND PENALTIES

- 1. In addition to all other remedies, including the penalties provided in this section, the township may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction, to restrain or prevent any noncompliance with, or violation of, any of the provisions in this chapter, or to correct, remedy or abate such noncompliance or violation. Buildings erected, altered, razed or converted, or uses carried on in violation of any provisions of this chapter or in violation of any regulations made under the authority of Act No. 110 of the Public Acts of Michigan of 2006, as amended, are hereby declared to be a nuisance per se, and the court may order such nuisance abated.

- 2. Any person, persons, firm or corporation, or anyone acting on behalf of any person, persons, firm or corporation, violating any of the provisions of this chapter shall, upon conviction, be punished as provided in section 1-10 of this Code.

7.14 RIGHTS AND REMEDIES CUMULATIVE

The rights and remedies provided in this article are cumulative and in addition to any other remedies provided by law.

7.15 FORBEARANCE NOT CONDONATION

Forbearance in enforcement of this chapter shall not be deemed condonation of any violation thereof.

7.16 ZONING BOARD OF APPEALS

- 1. Established; Membership; Terms; Vacancies.
 - A. Established. The Zoning Board of Appeals is hereby established having the powers and duties authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, found at MCL 125.3101 et seq., as amended.
 - B. Membership; Appointment. The Board of Appeals shall consist of five (5) regular members and not more than two (2) alternate members appointed by the Township Board.
 - i. Qualification. The regular and alternate members shall be selected from the electors residing within the Township and shall be representative of the population distribution and of a variety of interests. An employee or contractor of the Township shall not be eligible for appointment to the membership of the Zoning Board of Appeals.
 - ii. Planning Commissioner. One (1) of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission. The Zoning Board of Appeals member who is also a member of the Planning Commission cannot participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission. However, the Zoning Board of Appeals member may consider and vote on other unrelated matters involving the same property.



iii. Alternate. The Township Board may appoint not more than two (2) alternate members for the purpose of serving on a case in which a regular member has abstained for reasons of a conflict of interest; or whenever a regular member is unable to attend one or more meetings. An alternate is called to serve by the chairperson or designee of the chairperson, and shall serve in any case assigned until a final decision is made in the case.

- C. Term. Each member appointed shall hold office for a term of three (3) years, except when an appointment is made to fill a vacancy, in which case the term of the member shall be for the duration of the unexpired term. The appointments shall be staggered so that no more than two (2) appointments are made each year. Members shall be eligible for re-appointment to succeeding terms. Upon expiration of a term or in the event of a vacancy, an appointment shall be made not more than one (1) month after the term has expired or the vacancy occurred. Although appointments shall be staggered, each term shall expire on December 31.
- D. Compensation. The members of the Board shall receive a per diem compensation as determined by Resolution of the Township Board. Travel requests to attend conferences or seminars shall follow standard Township procedures.
- E. Removal from office. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing before the Township Board. A member shall disqualify himself or herself from a vote in which the member knows he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member knows he or she has a conflict of interest constitutes malfeasance in office.

2. Adoption of Bylaws.

The Board shall adopt Bylaws that govern its procedures consistent with the provisions of this section. A copy of the Bylaws shall be placed on file in the Clerk's Office and the Planning Department, and shall be made available upon request.

A. Officers. The Board shall elect from its membership a chairperson, vice-chair, secretary, and any other officers the Board deems necessary according to the Bylaws. The chairperson shall preside over the meetings and shall vote. The chairperson shall have all duties and powers authorized by the Michigan Zoning Enabling Act, MCL 125.3101 et seq., as amended. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

B. Meetings. Meetings of the Board shall comply with the following:

- i. Schedule of meetings. Within ten (10) days after the first meeting of the calendar year, a notice setting forth the dates, time, and place of the regular meetings scheduled for the calendar year shall be posted. If there is a change in the schedule of regular meetings of the Board, a notice shall be posted within three (3) days after the meeting at which the schedule was changed stating the changes made.
- ii. Rescheduled regular meeting. For a rescheduled regular meeting, a notice stating the date, time and place of meeting shall be posted at least eighteen (18) hours before the meeting.
- iii. Special meetings. Special meetings of the Board may be called by the chairperson or secretary of the Board. Notice of the special meeting shall be provided to members of the Board at least forty-eight (48) hours before the special meeting is held. A notice stating the date, time and place of meeting shall be posted at least eighteen (18) hours before the meeting.
- iv. Public hearing. The Zoning Board of Appeals shall conduct a public hearing on requests in accordance with MCL 125. 3103 and Section 7.16.9 of this Chapter.

a. Notice. Notice shall be given as required under Section 7.16.9. However, if the request does not involve a specific parcel of property, notice need only be published as provided in Section 7.16.9(A)(1) and given to the



- person making the request as provided in Section 7.16.9(A)(2)(a).
- b. Appearance. At the hearing, an applicant may appear personally or by their designated representative or agent. In order for the representative or agent to appear on behalf of the applicant at the hearing without the applicant's appearance, the applicant shall file a written designation of representation with the Zoning Board of Appeals.
 - C. Compliance with Open Meetings Act. All meetings of the Board shall be public and shall adhere to the Open Meetings Act, P.A. 267 of 1976, as amended, MCL 15.261 et seq.
 - D. Quorum; conduct of business. A quorum must be in attendance at the meeting to legally transact the business of the Zoning Board of Appeals. Three (3) regular members of the Board of Appeals represents a quorum.
 - E. Record. The Zoning Board of Appeals shall issue its decision in writing signed by the chairperson. The Board shall keep a record of its proceedings in compliance with the Open Meetings Act, P.A. 267 of 1976, as amended, MCL 15.261, et seq. All public records shall be open to the public in compliance with the Freedom of Information Act, MCL 15.231 et seq. A copy of the record of proceedings shall be filed in the office of the Township Clerk.
 - F. Vote. Each member of the Board shall be entitled to one (1) vote and each member shall vote on all motions brought before the Board at any regular or special meeting at which the Board member is in attendance, unless the member disqualifies himself or herself from a vote in which the member knows he or she has a conflict of interest, or is disqualified from participating pursuant to MCL 125.3601(13). The concurring vote of three (3) members of the Board of Appeals shall be required to reverse an order, decision or determination of an administrative official on appeal; issue an interpretation; grant a required approval; or approve an application for a non-use variance from a zoning ordinance requirement.
 - G. Conflict of interest. Each member of the Board shall be fair, impartial, and objective. No Board member shall vote on a request that the Board member knows he or she has a conflict of interest due to a personal, professional, or financial interest. A conflict arises when the personal, professional or financial interest of the Board member will be affected by the outcome of the request thereby denying the public the fair, impartial, and objective judgment to which it is entitled. The Board member shall disqualify him or herself from a vote in which the member has such a conflict of interest.
 - H. No reconsideration. Decisions of the Zoning Board of Appeals being final, a decision is not subject to reconsideration as provided by Robert's Rules of Procedure.
3. Jurisdiction.
- The Board of Appeals, in conformity with the provisions of this Section and the Michigan Zoning Enabling Act, MCL 125.3601 et seq., has the following authority:
- A. Appeals. To hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official charged with enforcement of the zoning ordinance.
 - B. Ordinance and map interpretations. To hear and decide questions related to the interpretation of the zoning ordinance or zoning maps.
 - C. Non-use variances. To grant non-use variances according to the provisions of this section and the Michigan Zoning Enabling Act, MCL 125.3601, et seq.
 - D. Uses permitted by ordinance only with required approval. To grant approval of the use of property for a specific use that is only permitted by the zoning ordinance after the applicant has demonstrated compliance with all criteria listed and the Zoning Board of Appeals has granted the required approval.
 - E. Jurisdictional limits. Nothing contained in this section shall be construed to grant to the Board of Appeals the power or authority to alter or change the zoning ordinance or the zoning map, such power and authority being reserved to the Township Board in the manner provided by law.

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4. Appeals.

The Zoning Board of Appeals may reverse or affirm, wholly or in part, or modify the administrative order, requirement, decision, or determination appealed when a clear error was made, and upon reversing a decision may direct the issuance of a permit.

- A. Standing to file. An appeal may be filed by a person with a legal interest in the property that is the subject of the administrative order, requirement, decision, or determination; or by an officer, department, board or bureau of the state or local unit of government; or by a person who qualifies under Section 7.16.4(H) as aggrieved by an administrative order, requirement, decision or determination made in the enforcement of the zoning ordinance.
- B. Time to file appeal. An appeal shall be filed within thirty (30) calendar days of the date the administrative order, requirement, decision or determination is made.
- C. Written application. A complete application for appeal shall be filed in writing and shall comply with the requirements set forth in Section 7.16.8, Application Requirements.
- D. Standard of review. The standard of review for an appeal is whether a clear error was made when the administrative order, requirement, decision, or determination appealed from was made. An administrative order, requirement, decision, or determination is clearly erroneous when, on review of the whole record, the Board of Appeals is left with the definite and firm conviction that a mistake has been made.
- E. Transmittal of record. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- F. Stay of proceedings. An appeal to the Zoning Board of Appeals shall stay all proceedings in furtherance of the action appealed, except that a complete application filed for a variance pursuant to Section 7.16.6, Variances, may be processed and considered by the Zoning Board of Appeals and is not subject to a stay of proceedings. However, if after the application of appeal is filed, the body or

officer from whom the appeal is taken certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, the proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or the Circuit Court.

- G. Decision. The Zoning Board of Appeals shall state the grounds for its determination and issue its decision in writing.
- H. Standing to file an appeal as an aggrieved person. For an appeal to be filed by a person who does not have a legal interest in the property, the person must demonstrate they are an "aggrieved person".
 - i. Qualification as an aggrieved person. To qualify as an aggrieved person, the person must initially demonstrate that the administrative order, requirement, decision, or determination will result in a unique harm or injury impacting the use of their property that is not common to other property owners similarly situated.
 - ii. Application from aggrieved person. To accept an application for appeal to the Zoning Board of Appeals from a person who has no legal interest in the subject property, the applicant must allege in the application facts which support that the administrative order, requirement, decision or determination appealed from will result in unique harm or injury not common to other property owners similarly situated.
 - iii. Notice. Written notice of the submittal of an application for appeal from an aggrieved person shall be sent to the owners of record of the subject property. The aggrieved person application shall be placed on the agenda for an administrative hearing by the Zoning Board of Appeals to determine if the person qualifies as an aggrieved person. At least seven (7) days prior to the date of the administrative hearing, written notice of the date, time, and place of the administrative hearing shall be sent to the owners of record of the subject property, to the appropriate officer/



- department, and to the person that filed the application as an aggrieved person.
- iv. Administrative hearing. Prior to taking the appeal, the Zoning Board of Appeals shall conduct an administrative hearing to determine whether the applicant is an aggrieved person. The applicant or applicant's representative shall be allowed to address the Board to demonstrate that they are an aggrieved person. In addition, the property owner/owner's representative shall be allowed to address the Board regarding whether the applicant qualifies as an aggrieved person. The administrative hearing shall be held at a public meeting; however, it is not a public hearing on the appeal.
- v. Burden. The applicant bears the burden of demonstrating that he/she is an aggrieved person by showing that the decision which he/she desires to appeal, poses a threat of unique harm or injury to the applicant not common to other property owners similarly situated.
- vi. Decision. Based on the information presented at the administrative hearing, the Zoning Board of Appeals shall decide whether the applicant qualifies as an aggrieved person. If the Board determines by a vote of three (3) members that the applicant is an aggrieved person, the application for appeal shall be accepted; and the Zoning Board of Appeals shall hold a public hearing on the appeal. The appeal hearing is a public hearing and must be noticed in conformity with Section 7.16.9, Notice Requirements. Both hearings may be held at the same meeting.
- I. Appeals from special land use and planned unit development decisions. Pursuant to MCL 125.3603, there shall be no appeal to the Zoning Board of Appeals from a decision of the Township Board to grant or to deny special land use approval or Planned Unit Development approval. Appeals of the decision of the Township Board granting or denying such approval are to the Circuit Court as provided in the Michigan Zoning Enabling Act, MCL 125.3101, et seq.

- 5. Ordinance and Map Interpretations.
 - A. Interpretation of the zoning ordinance or zoning maps. A request for an interpretation of the zoning ordinance or the zoning maps may be made to the Zoning Board of Appeals.
 - i. Ordinance Interpretation. The General Rules of Construction for interpreting statutes in the State of Michigan shall be applied in the interpretation of the zoning ordinances. Once the Zoning Board of Appeals has made an official interpretation of a word, phrase, or requirement of the ordinance, the word, phrase or requirement shall be construed according to the official interpretation of the Zoning Board of Appeals.
 - ii. Map Interpretation. The exact location of boundary lines shall be interpreted in accordance with the following standards:
 - a. Boundaries that appear to follow the centerlines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such centerlines.
 - b. Boundaries that appear to follow platted lot lines shall be construed to follow such lot lines.
 - c. Boundaries that appear to follow Township limits shall be construed to follow such limits.
 - d. Boundaries that appear to follow the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
 - e. Distances not specified on the official zoning map shall be determined using the scale on the map.
 - B. Written application. An application for an interpretation shall be filed in writing and shall comply with the requirements set forth in Section 7.16.8, Application Requirements.
 - C. Decision. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or modify the interpretation appealed. The Zoning Board of Appeals shall state the grounds for its interpretation, and issue its decision in writing.

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6. Variances.

- A. Authorization. The Zoning Board of Appeals shall have the authority to grant dimensional and other non-use variances from the regulations of the Zoning Ordinance so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done. The Board of Appeals shall hear and decide all applications for variances. The Zoning Board of Appeals is not authorized by the Township to grant use variances.
- B. Written application. An application for approval shall be filed in writing and shall comply with all requirements set forth in Section 7.16.8, Application Requirements.
- C. Practical difficulty standard. Non-use variances relate to the modification of required dimensional and other non-use zoning ordinance regulations. The concurring vote of three (3) members of the Board shall be required to approve a non-use variance. No variation from the provisions or requirements of the Zoning Ordinance shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the ordinance requirement:
 - i. There is an unreasonable impact or burden. Strict compliance with dimensional or other non-use requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.
 - ii. It is not self-imposed. The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.
 - iii. Unique features or circumstances. The property has unique physical features, characteristics, or circumstances which are not due to general neighborhood conditions.
 - iv. Not a detriment. Granting the variance will not result in any of the following: 1) a detriment to nearby properties; 2) will not impair an adequate supply of light and air to adjacent properties; 3) will not impair the property values in the surrounding area; and 4) will not cause public health, safety and/or welfare concerns.

- v. Necessary. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.
- D. Variance pursuant to the Uniform Condemnation Procedures Act. A non-use variance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act found at MCL 213.54, as amended.
- E. Conditions of approval. In authorizing a variance, the Zoning Board of Appeals may attach conditions related to the land use request to protect natural features and to reduce potential impacts of the variance granted.
- F. Record decision. Decisions granting a variance may be recorded by the Township with the Oakland County Register of Deeds.
- G. Building permit. In the event a building permit cannot be issued until an applicant obtains a variance from a zoning ordinance regulation, the approved variance shall take effect upon the issuance of the building permit. If the building permit application is not submitted within one (1) year of the date that the written approval letter notifying the applicant of the Board decision is issued, the variance approval shall not take effect and shall be null and void. Upon request, the Zoning Board of Appeals may extend the time period to obtain the building permit provided that the request for extension is filed within one (1) year of the date that the written approval letter notifying the applicant of the Board decision is issued. If an extension is not requested before the expiration of one (1) year, the applicant shall file a new application in compliance with the requirements of Section 7.16.8.
- H. Development agreements; conditions of approval. There is no authority for an applicant to request the Zoning Board of Appeals to grant a variance from a requirement of a Development Agreement approved by the Township Board, or any condition required as part of special land use, site plan, or other board or commission approval. The authority of the Zoning Board of Appeals to grant variances is limited to non-use variances from regulations of the zoning ordinance.



7. Use Permitted by Ordinance with Required Approval.
 - A. Use permitted by ordinance only with required approval. This provision applies solely to those uses that are only permitted by the zoning ordinance after the applicant has demonstrated compliance with all criteria listed and the Zoning Board of Appeals has granted the required approval, such as temporary uses.
 - B. Written application. An application for approval shall be filed in writing and shall comply with the requirements set forth in Section 7.16.8, Application Requirements.
 - C. Approval standard. For the Zoning Board of Appeals to grant approval, the applicant must demonstrate compliance with all specific criteria listed in the applicable Zoning Ordinance provision.
 - D. Decision. The Zoning Board of Appeals shall state the grounds for its determination and issue its decision in writing.
8. Application Requirements.
 - A. Application. A written application for a request shall be submitted using the Township Planning Department Zoning Board of Appeals Application form and shall include a plan drawn to scale that shows the dimensional and land use elements for the property. If required, additional plans and surveys submitted shall comply with the Township Planning Department submittal requirements. The application shall include other documents and evidence submitted by applicant to support the request. The applicant shall submit the required number of copies of the application, plans, and supporting documents together with all other submittal requirements to enable a thorough review by staff and the Zoning Board of Appeals.
 - B. Information required. An application shall include all information required for the requested relief, shall include support for the request, and shall specify grounds supporting the requested relief.
 - C. Complete submission; application fee. No application shall be accepted unless it is a complete submission in compliance with all provisions of this Section, 7.16.8, and includes the application fee established by Resolution of the Township Board.
 - D. Form. The application shall be made on the form provided by the Township.
- E. Signature. The application shall include written evidence of all persons with an ownership interest in the property, and a written authorization signed by each person for submission of the application.
- F. Plans required. All plans and surveys shall meet the submittal requirements described in the Planning Department Zoning Board of Appeals Application form or as otherwise required by the Township Planning Department Director or designee. Nothing shall prevent the Zoning Board of Appeals from requiring additional information in order to render a decision.
- G. New application required. In the event an application for approval of the Zoning Board of Appeals is withdrawn by the applicant or removed from consideration of the Board due to unreasonable applicant delay, submittal of a new application that complies with the requirements of Section 7.16.8 is required. Any delay in the consideration of an application which continues for a period of 180 days or more, through no fault of the Board, shall be considered unreasonable applicant delay. If an applicant makes a material change in a request as previously submitted, or there has been a material change in circumstances since the application was filed, or an applicant files a new request, the Zoning Board of Appeals or the Planning Department staff may determine that a new application is required that complies with the requirements of Section 7.16.8. When a new application is filed, payment of a new application fee is also required.
9. Notice Requirements.
 - A. Notice. Notice shall be provided in compliance with the Michigan Zoning Enabling Act, MCL 125.3103.
 - i. Publication of public hearing notice. A notice of the public hearing shall be published at least once, fifteen (15) days prior to the date of the public hearing.
 - ii. Delivery of notice of public hearing. When an application applies to a "specific parcel," the notice of public hearing must be mailed, deposited with the U.S. Post Office, or other public or private delivery service, or delivered personally to the following



persons at least fifteen (15) days prior to the date of the public hearing:

- a. The applicant, property owner, and their representatives of record.
 - b. All persons to whom real property is assessed within 300 feet of the property that is the subject of the application; notice must be provided to all persons within the 300-foot radius without regard to the Township boundary.
 - c. The occupants of all structures within 300 feet of the property that is the subject of the application, such as tenants. Notice does not have to be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 - d. If the request does not apply to a specific parcel, notice need only be published and given to the person making the request.
 - e. If a matter is postponed to a date certain at the public hearing, a new notice is not required. However, if postponed indefinitely or to a date uncertain, new notice is required. The applicant shall be responsible for the cost of the additional/new notice.
- iii. Contents of notice. A notice shall:
- a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist

within the property. If there are no street addresses, other means of identification may be used.

- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.

10. Decision.

The Zoning Board of Appeals shall:

- A. State grounds. State the grounds for its decision on the record.
- B. Record. Ensure the record is complete and includes all evidence presented regarding a request.
- C. Written decision. Issue its decision in writing, which shall be signed by the chairperson. If there is no chairperson, the written decision shall be signed by another member of the Zoning Board of Appeals.
- D. Bonds. In order to secure the performance of conditions of approval that require a site improvement such as the improvement of an off-street parking lot, or the installation of a greenbelt, decorative wall, fence, landscape or similar improvement, the Board may require the posting of a cash or surety bond in an amount equal to the cost of complying with the condition.

11. Appeal to Circuit Court.

- A. Decision final; appeal to Circuit Court. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for the County of Oakland as provided under MCL 125.3606.
- B. Time to file appeal. An appeal from a decision of a Zoning Board of Appeals shall be filed within whichever of the following deadlines comes first: thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson; or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.

