

APPENDIX A ZONING¹

SAGINAW CHARTER TOWNSHIP ZONING ORDINANCE [NO. 423]

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF ZONING DISTRICTS; TO ENCOURAGE AND REGULATE THE PROPER LOCATION AND USE OF LAND, BUILDING[S], AND STRUCTURES FOR RESIDENCE, TRADE OR OTHER PURPOSES; TO REGULATE THE HEIGHT AND BULK OF BUILDINGS, THE DENSITY OF POPULATION, AND THE MINIMUM DIMENSIONS OF YARDS, COURTS, AND OTHER OPEN SPACES; TO PROVIDE FOR THE ADMINISTRATION, ENFORCEMENT, PENALTIES FOR VIOLATION, AND AMENDMENT OF SAID ORDINANCE.

SAGINAW CHARTER TOWNSHIP, SAGINAW, MICHIGAN, PURSUANT TO THE TOWNSHIP ZONING ACT, PUBLIC ACT NO. 184 OF 1943, MCL 125.271 ET SEQ., HEREBY ENACTS AND ORDAINS AS FOLLOWS:

PART I. GENERAL PROVISIONS

[Chapter 1. General Provisions]

Sec. 101. Short title.

This Ordinance shall be known as the Saginaw Charter Township Zoning Ordinance.

Sec. 102. Purpose.

It is the general purpose of this Ordinance to promote the public safety, health, morals, convenience, and general welfare, and further to:

¹Editor's note(s)—Printed herein is the township's zoning ordinance, being Ord. No. 423, adopted January 23, 1989, and effective on March 2, 1989. The township furnished a copy for printing that was updated through October 2001. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the copy furnished by the township. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and the same system of capitalization, citations to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions for clarity are indicated by brackets.

Cross reference(s)—Any ordinance or portion of any ordinance, pertaining to zoning, including, but not limited to, to basic zoning ordinance, ordinances rezoning property or amending the zoning map and ordinances promulgating zoning text amendments saved from repeal, § 1-11(14); buildings and building regulations, ch. 14; zoning for carnivals and outdoor amusements, § 18-75; environment, ch. 26; floods, ch. 34; streets, sidewalks and other public places, ch. 58; subdivisions and other divisions of land, ch. 62; land divisions, § 62-141 et seq.; telecommunications, ch. 70; vegetation, ch. 82.

State law reference(s)—Zoning, MCL 125.271 et seq.

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1. Guide the use and development of the community's lands and natural resources in accordance with their character, adaptability and suitability for particular uses as identified in a basic plan of land use and population density.
 2. Protect the character of the community and enhance the social and economic stability of the township and individual zone districts as herein set forth.
 3. Lessen congestion on the public streets and highways and facilitate safe and convenient access appropriate to various uses of land and buildings throughout the community.
 4. Form a stable guide for public action to facilitate the adequate provision of sewerage and drainage, water supply distribution, and educational, recreational, and other public services.
 5. Conserve life, property, and natural resources and the expenditure of funds for public facilities and services by establishing herein standards to guide physical development and to provide for enforcement of said standards.
 6. Adopt provisions for each designated zoning district which shall control the use of land and property; and use, size, and location of buildings; the minimum yard, courts and other open spaces; and the maximum number of families to be housed in buildings or structures.

Sec. 103. Interpretation.

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued pursuant to law, relating to the uses of buildings or premises; nor is it intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger yards, courts or other open spaces than are imposed or required by such existing provision of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this Ordinance shall control.

Sec. 104. Severability.

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not be construed as affecting the validity of remaining portions of the Ordinance, it being the intent that this Ordinance shall stand notwithstanding the invalidity of any provision or section therein.

Sec. 105. Repeal.

The Saginaw Township Zoning Ordinance No. 168, including zone district classification, enacted on November 19, 1971, as amended, is hereby repealed and all other ordinances or parts of ordinances inconsistent or in conflict herewith are also hereby repealed; provided, however, said repeal shall not abate any action now pending under or by virtue of the ordinance herein repealed, nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur or affect the rights of any person, firm or corporation, or waive any right of this township under any section or provision of the ordinance herein repealed existing at the time of the passage of this Ordinance.

Sec. 106. Effective date.

This Ordinance shall take effect 30 days from date of publication.

CHAPTER 2. DEFINITIONS**Sec. 201. Rules applying to the text.**

For the purposes of this Ordinance, certain rules of construction apply to the text, as follows:

1. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
2. The word "person" includes a corporation or firm as well as an individual.
3. The word "structure" includes the word "building".
4. The word "lot" includes the word "plot", "tract", or "parcel".
5. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
6. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied".
7. Any word or term not herein defined shall be used with a meaning of common standard use.

Sec. 202. Definitions.

1. *Accessory use, building or structure.* A use, building or structure, except swimming pools, on the same lot and of a nature customarily incidental and subordinate to the principal use, building or structure.
2. *Alley.* Any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.
3. *Alterations.* Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, or partitions, columns, beams, or girders; or any change which may be referred to herein as "altered" or "reconstructed".
4. *Automobile car wash.* An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.
5. *Automobile repair shop.* An establishment being housed in a building or portion thereof together with the necessary equipment used for the general repair of automobiles, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service and painting or undercoating of automobiles.
6. *Automobile service station.* An establishment being housed in a building or portion thereof together with the necessary equipment used for the direct retail sale of gasoline or any other engine fuel, kerosene, or motor oil and lubricants or grease, and including the sale of minor accessories, and the servicing of and minor repair of automobiles.
7. *Basement.* A story having part but not more than one-half of its height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if it is used for business purposes.
8. *Berm.* A manmade, formed earthen mound of definite height and width used for obscuring purposes.

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9. *Block.* The property abutting one side of a street and lying between the two nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and a physical barrier such as a railroad, right-of-way, park, river channel or unsubdivided acreage.
 10. *Blood plasma donation centers.* The collection of blood/plasma as a principal use on a property. Accessory blood/plasma collection associated with an emergency relief charity (such as the Red Cross), medical office, medical laboratory, medical clinic, hospital, government agency, nursing home or other medical facility shall not be considered a blood/plasma collection center.
 11. *Bufferyard and/or bufferzone.* A strip of land, including any specific type and amount of planting or structures which may be required to minimize or eliminate conflicts between different types of land uses.
 12. *Building.* Any structure used or intended for supporting or sheltering any use or occupancy.
 13. *Building, front line of.* The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points. with the side yard.
 14. *Building, height of.* The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
 15. *Building lines.* A line defining the minimum front, side or rear yard requirements outside of which no building or structure may be located.
 16. *Building, principal.* A building in which is conducted main or principal uses of the lot on which said building is located.
 17. *Bulk station.* A place where crude petroleum, gasoline, naphtha, benzene, benzol, kerosene, or any other liquid except such as will stand a test of 150 degrees Fahrenheit closed cup tester are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than 6,000 gallons.
 18. *Clinic.* An establishment where human or animal patients who are primarily not lodged overnight and are admitted for medical and/or dental examination and treatment by a group of physicians, dentists, veterinarians or similar professionals primarily on an outpatient basis only.
 19. *Clubs.* An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership and purpose of such club.
 20. *Commercial recreation establishment.* A facility designed and equipped for the conduct of sports, amusement or leisuretime activities and other customary recreational activities either within an enclosed building (indoors) or outside of an enclosed building (outdoors) operated as a business and open for use by the public for a fee.
 21. *Commercial vehicle or trailer.* Any wheeled vehicle that is either available for hire or used as part of or in connection with a nonagricultural business or industry.
 22. *Common land.* A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.
 23. *Comprehensive development (master) plan.* The statement of policy of the township planning commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts, and written materials representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical, and efficient manner thereby creating the very best community living conditions.

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24. *Convalescent or nursing home.* A residential placement home for the care of the aged or infirm wherein two or more persons are cared for. Said home shall conform and qualify for [a] license under state law.
 25. *Convention center.* A facility primarily designed to showcase large national and international conferences, trade shows, business meetings, educational, cultural, social and community events which contains a minimum of 75,000 square feet of exhibit and meeting area.
 26. *Courts.* Open, unoccupied spaces other than yards on the same lot with a building.
 - a) *Court, inner.* An open, unoccupied space not extending to the street or front, or rear yard.
 - b) *Court, outer.* An open, unoccupied space opening upon a street, alley, yard or setback.
 27. *Cul-de-sac.* A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.
 28. *District.* Any section within the community for which the regulations contained within this Ordinance are the same.
 29. *Domestic unit.* See subsection (1.d) under *Family*.
 30. *Drive-in.* A business establishment so developed that its retail or service character is dependent upon providing a paved parking area from which patrons are served by an employee of the business without leaving their motor vehicles. This business requires employees to be outdoors as patrons cannot be served from any structure.
 31. *Drive-through.* An accessory use to a service or restaurant business where a paved drive area is specifically designated to serve customers in motor vehicles from a permanent building. The customer does not leave the motor vehicle, is served from a window, and customarily leaves the premises shortly after being served. Such uses may include, but are not limited to, the following: financial institutions, fast food establishments, dry cleaners and convenience stores. It does not include car washes.
 32. *Dwelling.* A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.
 33. *Dwelling types.* For the purposes of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly:
 - a) Single-family dwelling is a detached building containing one dwelling only. Townhouses included as defined in chapter 22, section 2207.
 - b) Two-family dwelling is a building containing two dwellings.
 - c) Multiple dwelling is a building or portion thereof containing three or more dwelling units. Garden apartments are included as defined in chapter 22, section 2207.
 34. *Dwelling unit.* One or more rooms including a single kitchen in a dwelling designed for occupancy by one family for living and sleeping purposes.
 35. *Electronic message board.* A video terminal or electronic changeable copy sign in which the copy consists of an array of lights activated and deactivated simultaneously. Electronic message boards do not include animated signs.
 36. *Essential services.* The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collections, communication, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments

or commissions, or for the public health, safety, and general welfare of the community, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Personal wireless communication facilities are not considered an essential service.

37. *Family.*

- (1) Family means:
 - a. One person, two unrelated persons;
 - b. Not more than six foster care adults living in a single dwelling unit. This provision is subject to Public Act 218 of 1979 as amended (MCL 400.701 to 400.737); or
 - c. Where there are more than two persons residing in a dwelling unit, persons classified constituting a family shall be limited to husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, stepchildren, and legally adopted children, or any combination of the above persons living together in a single dwelling unit.
 - d. Domestic unit: As herein defined, a domestic unit shall be given the same rights and privileges and shall have the same duties and responsibilities as a family, as defined herein for purposes of construing and interpreting this chapter. Domestic unit shall mean a collective number of individuals living together in one dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit.
 - (2) Anyone seeking the rights and privileges afforded a member of a family by this Code shall have the burden of proof by clear and convincing evidence of their family relationship.
 - (3) Any person seeking the rights and privileges afforded a member of a domestic unit by this chapter shall have the burden of proof by clear and convincing evidence of each of the elements of a domestic unit.
 - (4) This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, nor include a group of individuals whose association is temporary or seasonal in character or nature or for the limited duration of their education, nor a group whose sharing of a house is not to function as a family, but merely for convenience and economics.
38. *Family day care facilities.* A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the resident family by blood, marriage or adoption.
39. *Farm.* A tract of land which is directly devoted to agricultural purposes; provided further, that farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, furbearing animals, game, dog kennels, riding or boarding stables, livestock auctions, stone quarried, gravel pits, sand pits, or top soil mining shall not constitute a farm thereunder.
40. *Fast food restaurant.* An establishment predominantly offering food prepared for and/or packaged as carry out items whether consumed on the premises, in the building, parking lot or elsewhere.
41. *Fence, decorative.* A decorative fence is intended to enclose a portion of a parcel in a decorative manner and is not necessarily intended to preclude or inhibit entry or vision into the property. Examples of decorative fences include split rail, wrought iron and similar fences that are visually "transparent" and/or readily breached.
42. *Fence, functional.* A functional fence is intended to enclose a parcel or portion of a parcel in order to prevent or make difficult entry by animals, persons or vehicles. Such a fence may also be a visual screen. Chainlink, masonry, stacked, and similar types of fences are examples of functional fences.

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43. *Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land from the overflow of inland waters and/or unusual and rapid accumulation of surface water runoff from any source.
 44. *Garage, community.* A community garage is a building used for the storage of three or more automobiles of two or more owners and containing no public repair or service facilities.
 45. *Home occupation.* A home occupation is a lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and up to one other person, and the residential character of the dwelling is maintained. Auto and/or vehicle repair (painting, sales, and salvage), kennels and other similar uses are not permitted home occupations.
 46. *Hospital.* An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include sanitarium, rest home, nursing home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.
 47. *Identity sign.* A sign which carries only the name of the firm, the major enterprise, logo, or the principal product offered for sale on the premises, or a combination of these.
 48. *Institute for human care.* A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include homes for the mentally disadvantaged, physically impaired or substance abuse rehabilitation facilities and the like.
 49. *Kennel, commercial.* Any lot or premises used for the commercial sale or boarding of dogs, cats or other domestic pets.
 50. *Kennel, private.* Any lot or premises used for the private maintenance of up to six dogs, cats or other domestic pets four months or older owned by the resident on the premises, not involving commercial activities. The keeping of more than six animals shall be considered a commercial kennel regardless of ownership or species of animals.
 51. *Legislative body.* The Saginaw Charter Township Board of Trustees.
 52. *Loading space.* An offstreet space at least ten feet wide, 25 feet long and 15 feet high, either within a building or outside on the same lot, provided, maintained, and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.
 53. *Lot.* A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street, except as provided in section 302(1).
 54. *Lot area.* The total horizontal area within the lot lines of the lot.
 55. *Lot; corner, interior and through.* Corner lot is a lot which has at least two contiguous sides abutting upon a street for their full length, provided the two sides intersect at an angle of not more than 135 degrees.
 - a) *Interior lot* is a lot other than a corner lot.
 - b) *Through lot* is an interior lot having frontage on two streets which do not intersect at a point contiguous to such lot.
 56. *Lot coverage.* The percentage of the lot area covered by the ground floor of principal and accessory buildings or structures.
 57. *Lot depth.* The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lot line.

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58. *Lot line, front.* In the case of an interior lot, that line separating said lot from the street. In the case of a through lot, that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line.
 59. *Lot line, rear.* A lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lot lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 20 feet long, lying farthest from the front lot line and wholly within the lot.
 60. *Lot line, side.* Any lot line that is not a front lot line or rear lot line.
 61. *Lot lines.* The lines bordering a lot as defined herein.
 62. *Lot of record.* A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by county and community officials and which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
 63. *Lot, width of.* The width measured along the front lot line or street line.
 64. *Marquee.* A canopy or covering structure projecting from and attached to a building.
 65. *Misconduct in office.* Misconduct in office includes misfeasance, malfeasance and nonfeasance.
 66. *Mixed use.* A two-story or multistory building which includes office, commercial, or otherwise nonresidential uses and also includes residential uses, above the first floor.
 67. *Mobile home park.* A parcel of land 15 acres or more intended and designed to accommodate 60 or more mobile homes for residential use which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use. Referred to also as "park."
 68. *Modular (premanufactured) housing unit.* A dwelling unit constructed solely within a factory as a single unit or in various sized modules which are then transported to a site where they are assembled on a permanent foundation to form a single-family dwelling unit and meeting all codes and regulations applicable to conventional site-built construction. A mobile home is considered a type of modular housing unit with all of the following characteristics:
 - a) Designed for a longterm occupancy.
 - b) Containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - c) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels.
 - d) Arriving at site to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental location operations.
 69. *Motel.* A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile facilities. The term "motel" shall include buildings designed as "auto courts," "tourist courts," "motor courts," "motor hotels," and similar appellations which are designed as integrated units of individual rooms under common ownership.
 70. *Multiple dwelling.* Any building housing more than two families, unless otherwise defined by this Zoning Ordinance.
 71. *Municipal land.* Property owned and occupied by Saginaw Charter Township or a Saginaw County governmental agency.
 72. *Nonconforming use.* A building, structure, or use of land lawfully existing at the time of enactment of this Ordinance and which does not conform to the regulations of the district or zone in which it is situated.

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73. *Open space.* Any unoccupied space open to the sky on the same lot with a building. See "Courts."
 74. *Parking space.* An off-street space exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct, unobstructed access to a street or alley.
 75. *Personal wireless communication facilities.* Transmitters, antenna structures or towers and other types of equipment necessary for providing personal wireless services to the general public. Common examples are personal communications systems (PCS) such as cellular radio telephone service and paging.
 76. *Planning commission.* The Saginaw Charter Township Planning Commission. Any reference to "zoning commission" or "commission" shall mean the planning commission.
 77. *Principal use.* The main use to which the premises are devoted and the principal purpose for which the premises exists.
 78. *Projection.* The distance by which a sign or other structure extends over public property or beyond the building line.
 79. *Public utility.* Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, cable, transportation or water.
 80. *Quarry, sand pit, gravel pit, top soil stripping.* A lot of land or part thereof used for the purpose of extracting stone, sand, gravel, or top soil for sale, excluding the process of grading a lot preparatory to the construction of a building [for which a] permit has been issued.
 81. *Recreational vehicles.* All those small mobile units principally designed for recreational past time such as motor homes, camper trailers, pickup campers, pop-up tent trailers, snowmobiles, motorcycles, dune buggies, and similar camping type vehicles or trailers.
 82. *Right-of-way.* A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
 83. *Roadside stand.* A "roadside stand" is a structure for the seasonal display of agricultural produce with no space for customers within the structure itself.
 84. *Roofline.* This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette, and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
 85. *Salvage yard.* An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A salvage yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot shall be construed to be a salvage yard.
 86. *Sanitary landfill.* A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.
 87. *Setback line.* A line established herein from which required yards are measured.
 88. *Sexually oriented business.* An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. The following definitions shall apply to sexually oriented businesses:
 - a) *Adult arcade.* Any place to which the public is permitted or invited wherein cash-operated, credit-operated, coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images

and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas".

- b) *Adult bookstore or adult video store.* An establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
- i) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions, slides or other visual representation and/or items which depict or describe "sexually explicit activities" or "specified anatomical areas" or which are characterized by their emphasis upon exhibition or description of "sexually explicit activities" or "specified anatomical areas"; or
 - ii) Instruments, devices or paraphernalia which are characterized by their emphasis upon "sexually explicit activities" or "specified anatomical areas" or designed for use in connection with "sexually explicit activities"; or
 - iii) Items, materials or paraphernalia depicting, displaying, advertising or packaged as "sexually explicit activities" or which depict or describe, or are characterized by their emphasis upon, the exhibition or description of "specified anatomical areas".
 - iv) For purposes of this Ordinance, "principal business purpose" means:
 - a) The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning 30 percent or more of the interior floor area as defined by the applicable building code; or
 - b) The receipt of 50 percent or more of its annual revenues from the sale of the items listed above. Revenue is a gross increase in assets or a gross decrease in liabilities recognized and measured in conformity with generally accepted accounting principles; or
 - c) The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, or paraphernalia which are characterized by the depiction, description, display, advertising or packaging of "sexually explicit activities" or "specified anatomical areas".
 - d) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "sexually explicit activities" or "specified anatomical areas", and still be characterized as an adult book store, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store, adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.
- c) *Adult cabaret.* A nightclub, bar, restaurant or similar commercial establishment, whether or not alcohol is served, which regularly features:
- i) Persons who appear in a state of restricted nudity, and/or other material while opaque does not completely cover the entire buttocks (e.g., g-strings) or all portions of the breast below the topmost portion of the areola; or
 - ii) Live performances of an erotic nature which are characterized by the partial exposure of "specified anatomical areas" or "sexually explicit activities" that occur away from the common area of the establishment, such as on a stage, on poles, in booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises wherein an entertainer

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- or waitress provides adult entertainment to members of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a direct or indirect profit; or
- iii) Films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".
- d) *Adult massage parlor.* Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program nor a therapeutic massage practitioner. An adult massage parlor is considered a sexually oriented business for purposes of this Ordinance.
- e) *Adult motel.* A hotel, motel or similar establishment which:
- i) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or
- ii) Permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the World Wide Web; or
- iii) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- iv) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
- f) *Adult motion picture theater.* An establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".
- g) *Adult theater.* A theater, concert hall, auditorium or similar establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities". This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and which has no adverse secondary effects.
- h) *Adult use business.* An adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishment or any business determined by the building official, township manager, and/or the chief of police, to be an adult use because of the similarities in the characteristics and activities of the business with regulated adult business uses, such as nudity, semi-nudity, exposure of "sexually explicit activities" and/or "specified anatomical areas". The definition of "adult use business" shall not include an establishment where a medical practitioner, psychologist,

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- psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.
- i) *Alcoholic commercial establishment.* Any hotel, motel, tavern, restaurant, park, nightclub, cocktail lounge, burlesque house, bar, cabaret, taproom, club or other similar establishment licensed by the State of Michigan Liquor Control Commission, or where alcoholic beverages, including beer, are dispensed and/or consumed. This definition shall exclude a theater or auditorium.
 - j) *Entertainer.* A person who performs some type of activity or pose with the intent of allowing others to witness that activity or pose.
 - k) *Escort.* A person who, for consideration in any form, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual or that individual's guests.
 - l) *Escort agency.* A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
 - m) *Establishment.* Any of the following:
 - i) The opening or commencement of any sexually oriented business as a new business; or
 - ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
 - iii) The location or relocation of any sexually oriented business.
 - n) *Licensee.* The individual listed as an applicant on the application of a sexually oriented business license, or a person whose name appears on a license to operate an adult use business.
 - o) *Licensing officer.* The Clerk of Saginaw Township or his/her designee.
 - p) *Manager.* An operator, other than a licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees, or is otherwise responsible for the operation of the sexually oriented business.
 - q) *Massage.* The treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever therefore. For purposes of this Ordinance, the term "bodywork" shall mean massage.
 - r) *Nude model studio.* Any place where a person appears in a state of nudity or displays "specific anatomical areas", and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include a modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.
 - s) *Nudity or a state of nudity.* The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
 - t) *Operator.* The owner, licensee, manager or person in charge of any premises.
 - u) *Peep booth.* An adult motion picture theater with a viewing room or cubicle of less than 150 square feet of floor space.

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- v) *Premises or licensed premises.* Any premises that requires a sexually oriented business license and that is classified as a sexually oriented business.
 - w) *Principal owner.* Any person owning, directly or beneficially:
 - i) Ten percent or more of a corporation's equity securities; or
 - ii) Ten percent or more of the membership interests in a limited liability company; or
 - iii) In the case of any other legal entity, ten percent or more of the ownership interests in the entity.
 - x) *Private room.* A room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
 - y) *Regular or regularly* shall mean recurring, attending or functioning at fixed or uniform intervals.
 - z) *Semi-nude.* A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
 - aa) *Sexual encounter center.* A business or enterprise that, as one of its primary business purposes, offers a place where two or more persons may congregate, associate or consort for the purpose of "sexually explicit activities" or the exposure of "specified anatomical areas" for any form of consideration, including, but not limited to:
 - i) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; or
 - ii) Activities when one or more of the persons is in a state of nudity or semi-nudity; or
 - iii) Permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media.
 - bb) *Sexually explicit activities.* Any of the following:
 - i) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
 - ii) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or
 - iii) Masturbation, actual or simulated; or
 - iv) Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires; or
 - v) The display of human genitals in a state of sexual stimulation, arousal or tumescence; or
 - vi) The display of excretory function as part of or in connection with any of the activity set forth in a) through e) above.
 - cc) *Sexually oriented business.* An adult arcade, adult bookstore or adult video store, adult novelty or retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web. "Sexually oriented" when used to describe film, motion picture, videocassette, slides, or other photographic reproductions shall mean film, movies, motion picture videocassette, slides or other photographic reproductions that regularly depict material which is distinguished or characterized by an emphasis on matter depicting or describing "sexually explicit activities" or "specified anatomical areas" offered for observation by the patron(s) on the premises of a sexually oriented business. The definition of "sexually oriented business"

shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

- dd) *Specified anatomical areas.* Any of the following:
- i) Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or
 - ii) Human genitals in a state of sexual arousal, even if opaquely and completely covered.
- ee) *Specified criminal acts.* Sexual crimes against children, sexual abuse, criminal sexual conduct, rape, crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business, including, but not limited to, the distribution of obscenity, prostitution and/or pandering.
- ff) *Significant or substantial portion.* Thirty percent or more of the term modified by such phrase. If a business has twenty-nine percent or less of its stock-in-trade or interior floor space devoted to sexually oriented material, the use does not qualify as a regulated use. However, based upon the potential negative secondary impacts which relate to the sale, display and/or exhibition of sexually oriented materials, additional regulations of these materials is required as follows:
- i) Floor space/display restrictions: The sale, display or exhibition of sexually oriented materials shall be limited to no more than 29 percent of the total stock in trade or interior floor space. The sexually oriented materials shall be located in the rear portion of a building away from its main entrance area. The sexually oriented materials shall be separated by racks, walls or other means that would restrict visibility into the area displaying the sexually oriented materials. No sexually explicit materials shall be permitted to be placed on the non-adult side of this separation.
 - ii) No sexually explicit materials shall be displayed in any of the business's windows at any time or visible from the exterior of the business or building. Additionally, no portion of the ceiling in a business or building will be permitted to be used to display sexually explicit materials.
 - iii) Magazines that contain "sexually explicit activities" or "specified anatomical areas" may be located outside an area specifically devoted to sexually explicit materials. However, the merchandise rack on which the materials are placed must be located immediately adjacent to the separate area that sells the sexually explicit materials, and contain opaque blinders that only allow viewing of the magazine title.
 - iv) Height restrictions: The height of the racks and display walls upon which sexually explicit material can be displayed shall be limited to six feet.

89. *[Sign.]* A "sign" is a name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag, [a] political unit or school. A "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this Ordinance, the following sign or sign-related terms are defined:

- a) *Sign, area or surface area of.* That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.

The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest outline which encloses the whole group.

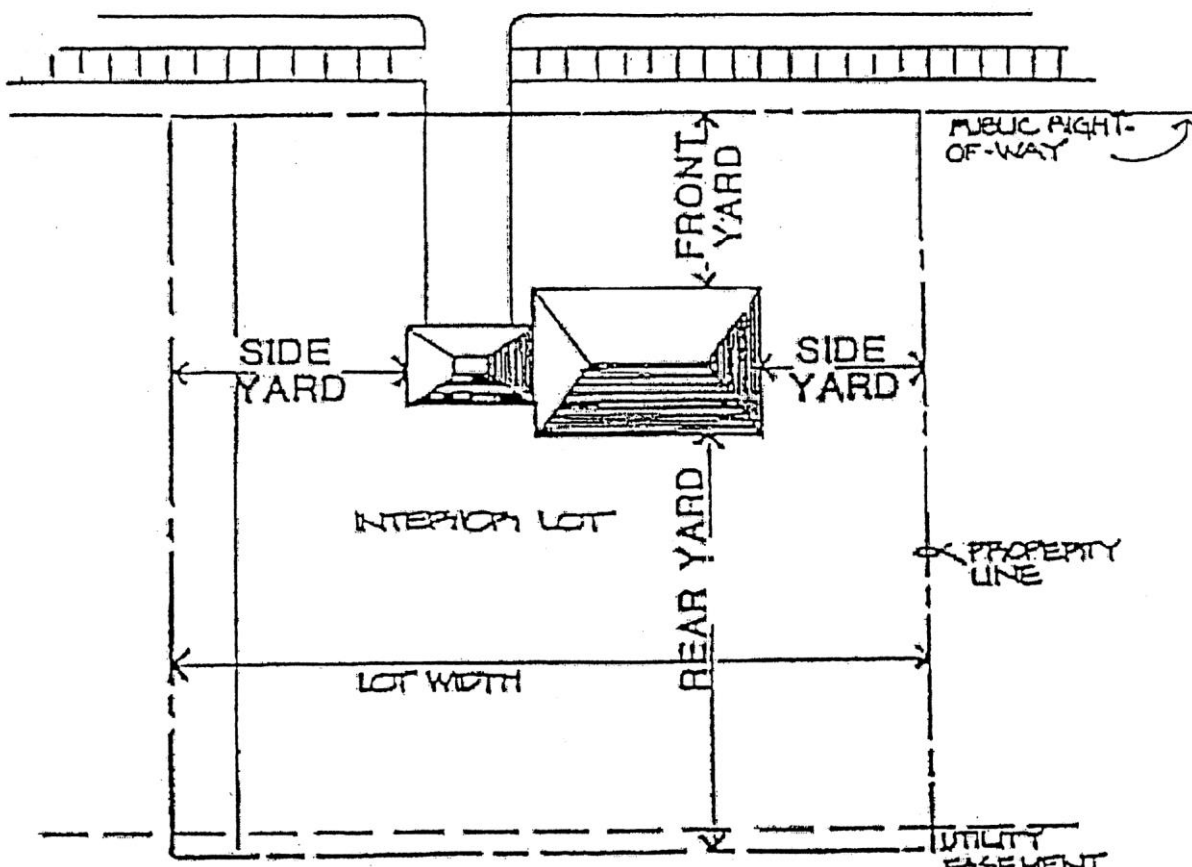
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- b) *Sign, electric.* Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
 - c) *Sign, location.* A lot, premises, building, wall or any place whatsoever upon which a sign is located.
 - d) *Sign, projecting.* A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
 - e) *Sign, roof.* A sign located on or above the roof of any building.
 - f) *Sign, temporary.* A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and intended to be displayed for a limited period of time.
 - g) *Sign, wall—flat.* One affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points.
90. *Site, area.* The total area within the property lines excluding street rights-of-way.
91. *Special use.* The term applied to a use which may be permitted by the application for and issuance of a special use permit by the township planning commission upon approval of the township board. Specified procedures and requirements, as outlined in cited sections, must be complied with prior to final issuance of said permit.
92. *Stable, commercial.* A stable in which horses are kept for remuneration, hire, or sale.
93. *Stable, private.* An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that no more than three horses are boarded.
94. *Story.* That portion of a building included between the surface of any floor and the surface of the next floor above it; or if there is no floor above it, then the space between the floor and the ceiling next above it.
95. *Story, first.* The lowest story of a building, the ceiling of which is more than seven feet above the average grade of the ground or sidewalk adjacent to its exterior walls. On a berm house seven feet shall be measured from the lowest floor level.
96. *Story, half.* A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for the use. A half-story containing independent apartments of living quarters shall be counted as a full story.
97. *Story, height of.* The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joints [joists].
98. *Street.* A public thoroughfare which affords the principal means of access to abutting property.
99. *Street, functional classification.* Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) arterials primarily for mobility, (2) collectors for both mobility and land access, and (3) locals for primarily land access.
- a) *Collectors.* Collector systems provide for both land access service and local traffic movements within residential neighborhoods, commercial areas and industrial areas.
 - b) *Locals.* Locals serve as direct land access and access to higher systems.
 - c) *Major arterials.* Major arterials serve the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desires.

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- d) *Minor arterials.* Minor arterials interconnect with and augment the principal arterial system and provide service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.

100. *Street line.* The legal line or demarcation between a street or land for service, benefit or enjoyment.
101. *Structure.* Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, utility manholes or similar items.
102. *Substance abuse rehabilitation center.* A public or private facility designed to provide medical treatment and psychological therapy to those individuals who suffer from drug or alcoholic addiction.
103. *Supermarket.* A full line comparison grocery, meat and produce retail sales establishment with a gross building area greater than 10,000 square feet.
104. *Township board.* The Saginaw Charter Township Board of Trustees.
105. *Use.* The employment or occupation of a building, structure or land for service, benefit or enjoyment.
106. *Variance.* A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the board of appeals on zoning.
107. *Yard.* An open space on the same lot with a building, unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.
108. *Yard, front.* A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.
109. *Yard required, how measured.* Required yard depth or width shall be measured in a horizontal plane and at right angles from the lot line in question or an extension thereof.
110. *Yard, rear.* An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the centerline of the alley, if there be an alley, and the rear line of the building.
111. *Yard, side.* An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.
112. *Zero lot line.* Division of ownership in which no side yard setbacks are imposed upon buildings.
113. *Zoning administrator.* An individual appointed by the township board delegated to administer the Saginaw Charter Township Zoning Ordinance.

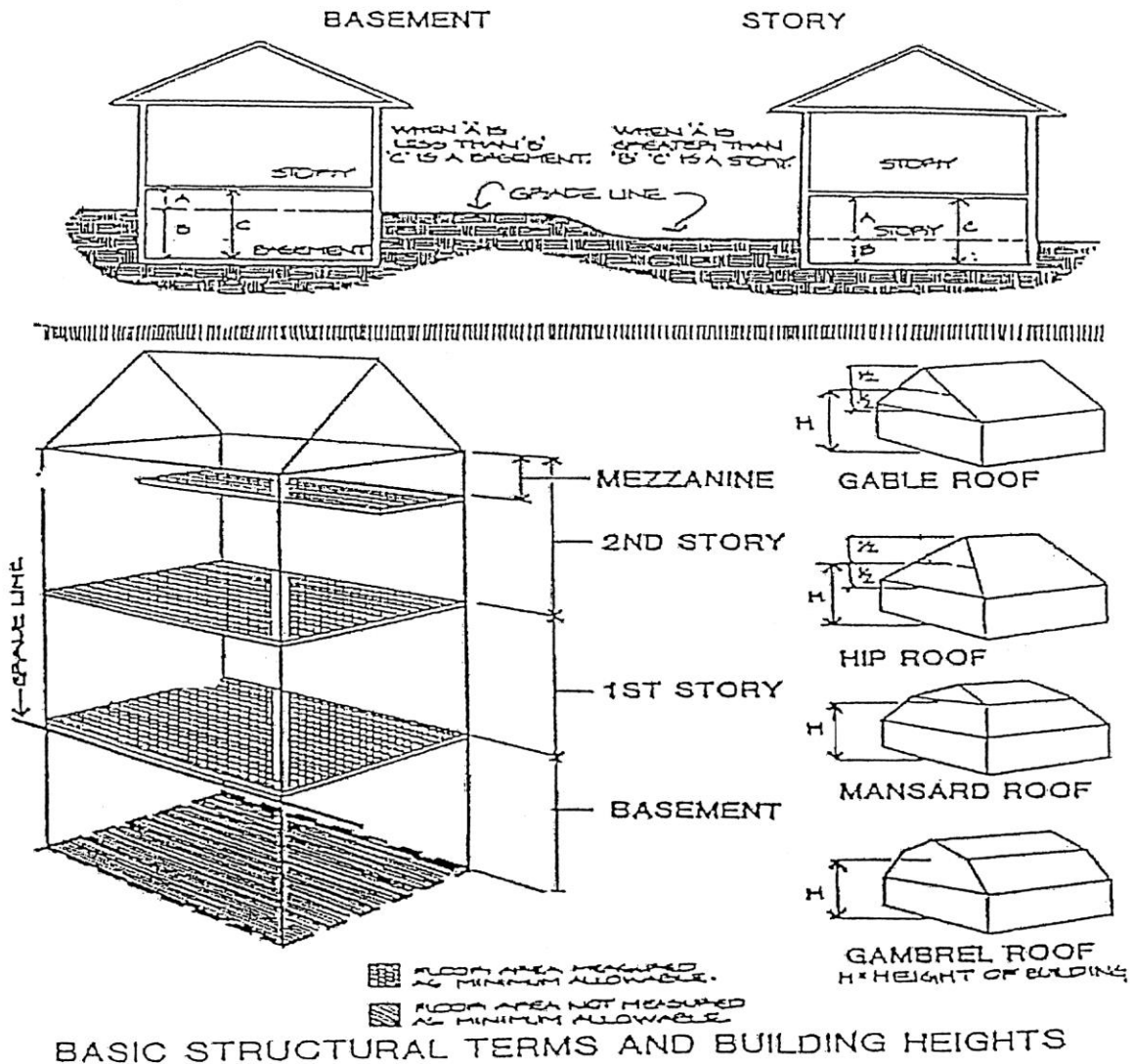
(Ord. No. 693, 11-27-2006; Ord. No. 718, 1-24-2011; Ord. No. 744 , 1-11-2016)

Editor's note(s)—At the township's request, the definitions in this section have been alphabetized and renumbered accordingly.



LOT AREA TOTAL HORIZONTAL AREA
 LOT COVERAGE PERCENT OF LOT COVERED BY BUILDING

Lot Area/Lot Coverage



BASIC STRUCTURAL TERMS AND BUILDING HEIGHTS

Basic Structural Terms and Building Heights

(Ord. No. 536, 7-10-1995; Ord. No. 544, 10-23-1995; Ord. No. 553, 4-22-1996; Ord. No. 577, 1-26-1998; Ord. No. 578, 1-26-1998; Ord. No. 633, 10-14-2002; Ord. No. 673, 10-25-2004; Ord. No. 703, 9-8-2008; Ord. No. 715, 5-10-2010)

CHAPTER 3. GENERAL REQUIREMENTS

Sec. 301. Nonconforming uses.

1. *Purpose.* It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance; however, except as herein provided, no building, structure or use or part thereof shall be used, altered, constructed or reconstructed except in conformity with the

provisions of this Ordinance; and further it is hereby declared that the existence of nonconforming uses are contrary to the best interests of the township; and further it is hereby declared to be the policy of the township board as expressed in this Ordinance to discontinue nonconforming uses in the course of time as circumstances permit, having full regard for the rights of all parties concerned.

2. *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as 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 or extended to occupy a greater area of land than was occupied by such use 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 at the effective date of adoption or amendment of this Ordinance.
 - c) Nonconforming uses shall not be changed to another nonconforming use, except after approval of the board of zoning appeals. Before granting such approval, the board shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
 - d) If such nonconforming use of land ceases for any reason for a period of more than six consecutive months, or for 18 months during any three-year period, such discontinuance shall be considered conclusive evidence of an intention to abandon the nonconforming use. The time limit of discontinuance may be extended beyond the six months for a period of time not to exceed 1½ years upon application to and approval by the board of zoning appeals within the six-month period and upon demonstration that there exists a legitimate intent to continue the nonconforming use within such time extension. At the end of this period of abandonment, the nonconforming use shall be brought into conformity with the provisions of this Ordinance. The zoning administrator shall notify the property owner of such nonconforming use, in writing, by regular mail, 30 days prior to the end of the six-month period to inform the owner of the intent of the zoning administrator to find the use abandoned and the implications of such a finding. Seasonal nonconforming uses, which by their nature operate habitually or customarily during a given period of the year not exceeding 12 consecutive months, shall be exempted from this requirement.
 - e) No nonconforming use shall be extended to displace a conforming use.
3. *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yard, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a) Nonconforming structures shall not be altered or expanded without the prior approval of the board of zoning appeals, except that the following structural alterations may be permitted without such prior approval:
 - i) Structural alterations or extensions adding to the bulk of a structure which is nonconforming only by reason of lot size, lot width or building setback shall be permitted without prior approval of the board of zoning appeals, provided that such structural alteration or extension shall not increase the extent of nonconformity and shall satisfy all other site development regulations which are applicable.
 - ii) Structural alterations which do not add to the bulk of the structure or increase the intensity of use of the structure shall not require prior approval of the board of zoning appeals.
 - b) Nonconforming buildings or structures may be repaired and maintained so as to prolong the life of the structure.

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- c) Nonconforming structures may be reestablished in their nonconforming conditions in any zoning district after damage or destruction of the nonconforming structure, if such structure is nonconforming due only to its having an insufficient side or rear setback or due to its being located on a site having an area, width or both less than prescribed in the applicable sections of this Ordinance.
4. *Nonconforming signs.* Where a lawful sign exists at the effective date of adoption or amendment of this Ordinance that could not be installed under the terms of this Ordinance, the use of such sign may be continued so long as it remains otherwise lawful subject to the following provisions:
- a) The faces, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted or enlarged unless the resultant changed, altered, substituted or enlarged sign conforms to the following provisions:
- i) If dimensional changes or alterations to the message area or sign faces are made, the resultant sign area shall conform with the maximum sign area restriction for the parcel of land upon which the sign is located.
- ii) If structural changes or alterations are made to support members, the resultant sign shall conform to the height and setback restrictions for the zoning district in which it is located.
- iii) Nothing in this section shall prohibit the periodic change of message[s] on a nonconforming sign, provided such change[s] do not necessitate structural change, alteration, substitution or enlargement of such sign.
- iv) No nonconforming sign shall be changed, altered, substituted or enlarged if the cost of resultant change, alteration, substitution or enlargement exceeds 30 percent of the appraised replacement cost of the sign as determined by the township assessor unless prior approval for such change is granted by the board of zoning appeals after a public hearing and finding that such change is in the best interest of Saginaw Charter Township.
- b) Nothing shall prohibit the repair, reinforcement or modernization of a lawful nonconforming sign, provided such repair does not exceed an aggregate cost of 30 percent of the appraised replacement cost as determined by the township assessor, unless the subject sign is changed by repair, reinforcement or modernization to a conforming structure.
- c) Any lawful nonconforming sign damaged by fire, explosion, an act of God, or by other accidental causes may be restored, rebuilt or repaired to its original condition.
- d) The township board may acquire any nonconforming sign, with or without acquiring the property on which such sign is located, by condemnation or other means and may remove such sign.
5. *Repairs and maintenance.* Repairs and maintenance may be performed on any building devoted in whole or in part to a lawful nonconforming use, including ordinary repairs or repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not to exceed 50 percent of the assessed value (25 percent of true cash value) of the building during any period of 24 consecutive months. However, the cubic content of the building as it existed at the time of enactment or amendment of this Ordinance shall not be increased except as otherwise provided in this chapter. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared unsafe by an official charged with protecting the public safety upon order of such official.
6. *Prior construction approval.* Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been legally issued prior to the effective date of enactment or amendment of this Ordinance; provided, that construction is commenced within 30 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one year of the issuance of the building permit.

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7. *Change of tenancy or ownership.* There may be a change of tenancy, ownership or arrangement of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature and character of such nonconforming uses.
 8. *Elimination of nonconforming uses or structures.* The township board may acquire by purchase, condemnation or other means private property or an interest in private property for the removal or elimination of any nonconforming use or structure.

State law reference(s)—Nonconforming uses, MCL 125.286.

Sec. 302. Supplementary use regulations.

1. *Access to a street.* Any lot of record created after the effective date of this Ordinance shall have frontage on a public street, except as may be approved as a planned unit development in accordance with the provisions of section 2207.
2. *Rear dwelling prohibited.* No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchmen, caretakers, and domestic employees whose employment functions are related to the function of the principal building; provided that all other requirements of this Ordinance are satisfied.
3. *Use of structure for temporary dwelling.* No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this Ordinance and the township building code. No temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for dwelling purpose for any length of time unless authorized by the issuance by the zoning board of appeals of a temporary permit as provided for by this Ordinance.
4. *Required water supply and sanitary sewerage facilities.* After the effective date of this Ordinance, no structure shall be erected, altered or moved upon a lot or premises and used in whole or in part for a dwelling, business, industrial or recreational purpose unless it shall be provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial waste. All such installations and facilities shall conform with the minimum requirements of the Saginaw County Health Department and applicable state regulations.
5. *One dwelling per lot.* Only one single-family detached dwelling will be allowed to be erected on a lot in a R-1 district.
6. *Fences, walls and screens.* This section is intended to provide for the regulation of the height and location of fences, walls, screens and other similar obstructions for the purpose of providing for light, air, and privacy and safeguarding the public welfare by preventing visual obstructions at street and highway intersections.
 - a) *Height.* For the purposes of this section, "height" shall mean the vertical distance from existing grade to the top of the fence, hedge, or wall.
 - b) *Location.*
 - i) *Front yard.* No fence, wall or hedge planting shall exceed a height of three feet within any front yard in any zoning district. Plant materials located within 30 feet of the edge of the pavement of a public street shall not obstruct visibility at a level between three feet and eight feet.

Exceptions:

- a. *Decorative fencing.* In commercial, manufacturing and institutional districts, fences located within the front yard area may be five feet tall, provided they are of a decorative design approved by the planning commission. Certain design elements of the fence, such as posts, masonry pilasters or other detailing, may be permitted up to six feet in height. (Decorative

fencing shall not include fences constructed with material such as chainlink, wood, barbed wire, chicken wire).

- ii) *Side and rear yard.* No fence, hedge or wall greater than six feet in height shall be permitted within any side or rear yard setback.

Exceptions:

- a. A fence located on a residential parcel which abuts a commercial, manufacturing or institutional use may be eight feet tall, provided the adjoining residential property owners give their consent. Consent shall be in the form of an affidavit signed by the adjoining residential property owners and submitted to the community development department.
 - b. Fencing around tennis courts and recreational amenities shall be exempt from the six-foot height limitation.
- iii) *Corner lots.* On a corner lot, a fence, wall or hedge planting cannot exceed a height of three feet in the street side yard setback unless all of the following conditions can be satisfied:
- a. Must begin at the back of the house or primary structure.
 - b. Does not create any safety or traffic hazard.
 - c. Houses or buildings on property adjacent to the rear of the subject parcel shall not face the same street as the street side yard in which the fence will be located.
 - d. Will not exceed a maximum height of six feet.
 - e. Will not encroach upon any existing or proposed right-of-ways.
- c) *Maintenance of fences.* All fences shall be maintained in their upright condition. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.
- d) *[Supporting posts and cross-members.]* All supporting posts and cross-members of all fences shall face toward the interior of the lot of the person erecting the fence.
- e) *[Barbed wire, electrified components or similar fencing types.]* Under no circumstances shall barbed wire, electrified components or similar fencing type that is likely to cause injury to persons be used in any residential district.
- f) *Permit and fee required.* Prior to construction, reconstruction or establishment of a fence, wall or screen regulated by this section, a permit shall be obtained from the zoning administrator.
- i) Applications for permits shall be on forms prescribed by the zoning administrator and shall be accompanied by such plans or drawings required by the zoning administrator and by a permit fee of \$10.00.
 - ii) The issuance of a fence permit is not intended, nor should it be construed to abrogate or modify the applicant's duties as contained in covenants and restrictions arising from a deed or other document.
 - iii) Permits shall continue until revoked or for such period of time as designated therein at the time of issuance. The issuance or granting of a permit shall not be construed to be a permit for or an approval of any violation of the provisions of this Ordinance. No permit presuming to give authority to violate the provisions of this Ordinance shall be valid.
 - iv) The zoning administrator may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of this Ordinance.

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7. *Reserved.*
 8. *Space used once.* Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure existing or intended to exist at the same time as such building or structure.
 9. *Use exceptions.* Nothing in this Ordinance shall be construed to prohibit the following accessory or incidental uses:
 - a) The renting of rooms to not more than two nontransient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
 - b) Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area.
 - c) Gardens, garden ornaments and usual landscape features within required yard space.
 - d) Retaining walls and public playgrounds.
 - e) Off-street parking for motor vehicles as specified in chapter 4.
 - f) Home occupations as specified in "R" district regulations and chapter 2, section 202.
 - g) Use of a premises as a voting place in connection with local, state, or national elections.
 - h) Administrative site plan approval may be conveyed to any personal wireless communication provider wishing to collocate on an existing structure or install an antenna on an existing structure. Examples include communication towers, water towers, utility poles, building and similar structures.
 10. *Parking of recreational vehicles and equipment.* The parking of recreational vehicles and equipment, including travel trailers, campers, boats and similar recreational equipment, is prohibited within the required yard areas of any "R" district, except recreational, vehicles and equipment are permitted for periods of not to exceed five consecutive days, whereupon said vehicle shall be completely removed from the property for a minimum of eight hours. The vehicle and/or equipment shall be parked on a dust-free, weed-free surface constructed of asphalt, concrete, crushed gravel or paver stones and covering at minimum the entire footprint of the parked equipment. Crushed gravel parking areas must be constructed of a sand or gravel base with weed barrier, and at least four inches depth of crushed stone, and feature a defined edge unless otherwise approved by the zoning administrator or building inspector.
 11. *Parking and storage of commercial vehicles.* No person shall park or store any vehicle, apparatus, trailer, or machine designed for a specific commercial operation or purpose such as:
 - a) Well drilling;
 - b) Moving dirt, stone, or other materials;
 - c) Removing lumber or stumps;
 - d) Trenching;
 - e) Planting trees or other vegetation;
 - f) Installing poles;
 - g) Lifting people or equipment;
 - h) Transporting water or other substances;
 - i) Vehicles intended to pull trailers;
 - j) Storage of construction equipment inside or outside the vehicle or trailer;

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- k) Generation of electrical power;
 - l) Pumping of water or other substances;
 - m) Demolition of materials or buildings and vehicles;
 - n) Wreckers;
 - o) Vehicles, apparatus, trailers, or machines similar to any of those listed in this regulation, shall be prohibited within any R-1, R-2, or R-3 district.

Exception: The following vehicles, apparatus, trailers, or machines may be parked or stored in a residential district meeting the following guidelines: If a commercial vehicle is used for and in direct connection with a construction project taking place on the parcel where it is parked and the project is currently ongoing; or if the commercial vehicle is owned by a governmental body or utility and is used in the installation and/or maintenance of utilities such as water, sewer, streets, highways, cable television wire, telephone, or electrical wires.

- a. *Commercial vehicles on public property.* No person shall park or store any commercial vehicle or equipment identified in subsection (a) of this section on public property located in any zoning district, including, but not limited to, public streets, stub streets, rights-of-way, bike paths or pedestrian paths, sidewalks, greenbelts, and planting areas between bike paths and streets unless such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.
- b. *Commercial vehicles in residential and agricultural districts.* No person shall park or store any commercial vehicle as defined in [subsection] 302.11 in any residential or agricultural district unless the vehicles or equipment is engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.

Commercial vehicles such as pickup trucks, passenger/cargo-style vans with seating of up to 15 persons, sport utility vehicles, passenger cars, and similar type vehicles, may be parked or stored in a residential district so long as it is not modified from the original manufacturer's specifications in such a way as it extends its height or length with the exception that a plow on the front and a spreader on the rear of a vehicle may be attached even if the length of the vehicle is extended beyond the manufacturer's specifications.

- c. *Commercial vehicles in nonresidential districts.* No person shall park or store any commercial vehicle identified as defined in subsection 302.11 or commercial equipment on private property in any nonresidential district except as where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service or unless such vehicle or equipment is parked or stored in relation to a permitted principal or accessory use of the property. In such event, parking or storage must comply with all other codes and ordinances.
12. *Use of trailers.* The use of trailers, trucks, vehicles, modular buildings or similar vehicles or enclosures for sales or storage of materials in connection with a commercial or industrial land use is hereby prohibited. Modular buildings may be used for sales and storage, upon approval by the planning commission, provided said building is attached to a permanent foundation, has all wheels, undercarriage and towing mechanisms removed and is determined to be visually and aesthetically compatible with other structures in the vicinity and the character of the area in general. Trailers used by contractors for office and storage purposes are permitted for a reasonable length of time on a job site, provided there is an active building permit for construction on the site and the trailer's use is directly related to construction on the property upon which it is located.
13. *Lots of record.* Any residential lot created or recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot area and/or dimensions are less than those required for

the district in which the lot is located, provided that yard dimensions and other requirements of the district, not involving lot area, width or depth, are met.

14. *Building grades.* [Repealed.]
15. *Access to public street.* No lot shall hereafter be created or altered unless such lot has direct access and frontage on a public street. The street frontage width of any lot shall not be less than the minimum lot width for the zoning district in which it is located. On a corner lot, this requirement shall apply to one street frontage only as the combined width of two or more street frontages does not satisfy this requirement.

Lots created on curves or cul-de-sacs are exempt from this requirement, provided such lots have a width equal to the minimum lot width for the zoning district in which the lot is located when measured at the building line, and further that such lots have a minimum frontage of 40 lineal feet on a public street. Any other exception to this requirement may only be granted by the township board upon recommendation of the planning commission and if it can be shown that the subject parcel lacks any practical use without an exception.

16. *Temporary dwelling.* The intent of this section is to recognize the hardship often resulting from emergencies and acts of God and to provide a reasonable alternative for people displaced by such conditions and in need of temporary housing while permanent housing is arranged. When any single-family detached dwelling unit has been made uninhabitable by fire, flood or similar act of God, the zoning administrator may permit the use of a temporary structure for a period of up to 90 days, provided said structure complies with the requirements of the building code for human occupancy, and further provided said structure is connected to a proper potable water supply and sewage disposal system, and further provided said structure is located on the same property as the original dwelling.

17. *Excavation.* The excavation of sand, gravel, topsoil or other earthwork is hereby regulated as follows:
- a) No permit or regulation shall be required if such earthwork or excavation is incidental to the construction of a subdivision, condominium project, or a principal building or structure that is permitted within that district.
 - b) No permit shall be required for earthwork, excavation or land reclamation if the total area of the earthwork is less than three acres in size. However, such earthwork is regulated to the extent that the area being excavated or reclaimed shall not exceed 30 percent of the total lot or parcel.
 - c) Any excavation project, regardless of size, in which the primary intent is to sell or dispose of the earth, sand, gravel or other feature for commercial gain shall be considered a mining operation and only permitted within the A-2 agriculture zoning district.
 - d) Upon receiving an application for a regulated excavation project, a public hearing shall be scheduled before the planning commission for the purpose of approving or denying the permit. Notices shall be sent by first class mail to all property owners within 300 feet of the boundary of the property in question. The notice shall be given at least ten days prior to the hearing and shall:
 - 1) Describe the nature of the request.
 - 2) Indicate the property which is the subject of the request.
 - 3) State when and where the site plan.
 - 4) Indicate when and where written comments will be received concerning the request.
 - e) Excavation projects regulated by this section shall comply with the provisions set forth in section 2213(e) of this Ordinance.
 - f) The planning commission may refuse to issue a permit if it determines that the operation would be hazardous or disturbing to existing or intended uses in the area or, by reason of noise, dust or fumes, would be detrimental to any persons or property.

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18. Pennants, ribbons, streamers and other displays or items not meeting the definition of a "sign" in Chapter 86 "Sign Regulations" of Saginaw Township's Code of Ordinances are permitted in all Commercial and Science and Industry zoning districts for a period not to exceed 45 days in any calendar year, so long as said uses comply with the other requirements of this Code and subject to the following conditions:
- a. A zoning permit must be obtained from the Community Development Department. The application for the permit shall set forth a diagram or a detailed drawing showing the exact location, setbacks, height, and characteristics of the devices to be used.
 - b. No device(s) shall be more than 24 feet in height or less than ten feet in height except in fire lanes or in areas of vehicular traffic where the height shall be a minimum of 14 feet.
 - c. No device(s) shall be located closer than an approved parking lot or building setback from any road right-of-way.
 - d. The device(s) shall be securely attached to their supporting structures.
- Exception: Pennants, ribbons streamers and other displays may be permanently displayed in any Commercial or Science & Industry district as shown on the zoning district map and are displayed on a single parcel or contiguous parcels of land under single ownership provided the following criteria are met:
- i. The parcel consists of more than four acres;
 - ii. The parcel has at least 400 feet of road frontage;
 - iii. The parcel has not more than two curb cuts or points of ingress and egress to a public road.
19. *Garage sales.* Yard, rummage, garage and similar type sales are permitted providing:
- a) The sale is temporary in nature and shall not continue for a period exceeding four days from the date of commencement with no more than three such sales per year. No items available during sales may be openly displayed when sales are not in progress.
 - b) The sale shall not be intended for more than incidental income and shall not be intended to operate as a commercial venture providing regular income.
20. *Medical marihuana related uses.* Uses related to the processing and growing of medical marihuana, with the exception of licensed safety compliance facilities, are prohibited. This includes all classes of growers, processors, provisioning centers, secure transporters, and other such uses as may specifically be granted or licensed through the State of Michigan, excluding registered patients and caregivers within a dwelling unit.
- (Ord. No. 517, 2-28-1994; Ord. No. 578, 1-20-1998; Ord. No. 627, 10-22-2001; Ord. No. 645, 9-8-2003; Ord. No. 659, 2-23-2004; Ord. No. 672, 10-25-2004; Ord. No. 715, 5-10-2010; Ord. No. 749, 11-28-2016; Ord. No. 765, § 1, 2-24-2020; Ord. No. 779, 11-8-2021)

Sec. 303. Supplementary yard regulations.

1. *Permitted yard encroachments.*
 - a) Paved terraces, patios, and uncovered porches shall not be subject to yard requirements, provided:
The paved area is unroofed and without walls or other forms of solid, continuous enclosure that links the paved area to the principal building.
The highest finished elevation of the paved area is not over 12 inches above the average surrounding finished grade area.

No portion of any paved area is closer than five feet from any lot line nor projects into any front yard setback area. Such paved areas may have noncontinuous wind breaks or walls not over six feet high and not enclosing more than one-half the perimeter of the paved area.

- b) Unenclosed porches, roofed or unroofed may project into a required side or rear yard area a distance not to exceed eight feet, provided:

The porch is unenclosed and no higher than one story and is erected on supporting piers.

The porch shall not be closer than eight feet to any side or rear lot line.

- c) Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
- d) Special structural elements, such as cornices, sills, chimneys, gutters, and similar structural features, may project into any yard up to a maximum of 2½ feet.
- e) Fire escapes, outside stairways, and balconies, if of open construction, may project into yard areas up to a maximum of five feet.
- f) Structures below and covered by the ground.
- g) Lighting devices.
- h) Planters, retaining walls and other similar landscaping structures.
- i) Gatehouse or security stations.
- j) Sculptures, fountains, or other such items proposed as public art or public features.
- k) Passive recreation features, such as walkways, paths, and other such items typically found in open space areas.
- l) Temporary structures designed to protect property during the winter months, including snow fence and temporary structures for mailboxes. Structures shall be temporary and only during winter and shall be removed by April 1. Said structure(s) shall only be as large as necessary to function properly and installed in such a way as to not obstruct view or create a traffic hazard.
2. *[Building setback lines.]* Building setback lines shall be measured from a point 33 feet from the center of the adjacent road or from the property line, whichever is greater, except in cases involving the following major arterial and collector streets. The building setback line on any properties abutting the following streets shall be measured from a point the number of feet from the center of the road indicated below:

Proposed Road Rights-of-Way

Barnard43'

Bay60'

Brockway48'

Center60'

Fashion Square Boulevard48'

Fortune Boulevard43'

Gratiot75'

Hackett48'

Hemmeter48'

Hermansau43'
Hospital60'
Lawndale60'
Mackinaw60'
Mannion43'
McCarty48'
Michigan, West (city limits to Center)60'
Michigan, West and St. Andrews (Center to Gratiot)43'
Midland (south of State)50'
Midland (north of State)60'
Schust43'
Seidel43'
Shattuck60'
St. Andrews43'
State60'
Tittabawassee60'
Towne Centre43'
Weiss48'
Wieneke60'

3. *Conformance to established setbacks.*

- a) Required front yard setbacks shall conform to existing setbacks as established by existing uses in any district.

4. *Bufferyards.*

- a) *Purpose.* The bufferyard is a designated unit of yard or open area, together with any plant materials, barriers or fences required thereon, designed to provide distance and screening in order to minimize negative impacts of adjacent land uses. Both the amount of land and the type and amount of landscaping specified are intended to minimize potential nuisances such as noise, glare, dirt, activity, unsightly parking areas and similar impacts.

The bufferyard requirements are designed to be flexible. A single standard applied to all circumstances may not function as well and might impose unnecessary hardship (cost) on a developer to say nothing of promoting monotony. It is the intent of the following provisions to provide flexibility to the developer or property owner through the manipulation of four basic elements: distance, plant material type, plant material density and structural or land forms.

- i) *Location of bufferyard.* Bufferyards shall be located on the side and rear lot line of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way or yard exceptions as provided in section 303(2).

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- ii) *Bufferyards required.* The type of bufferyard required shall be determined based on the proposed land use and existing adjacent land use, as such uses are defined in the comprehensive development plan, as follows:
- a) *Commercial land use.* When any commercial land use is proposed adjacent to any recreation and open space, residential, agricultural or institutional land use, a type B bufferyard, as defined herein, shall be required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and/or the Saginaw Charter Township Community Development Department, provide an eight-foot-tall privacy fence or wall along the abutting property line(s). The fence or wall finish and construction materials must be approved by the assistant director of community development and be consistent in design with the project and the adjoining residential area. In instances when a fence is requested, the developer shall follow the guidelines for buffer type B, showing the fence, a ten-foot buffer and a combination of trees and shrubs.
 - b) *Campus Business land use.* When a Campus Business land use, other than a residential or institutional land use, is proposed adjacent to any institutional land use or residentially zoned district, a buffer consisting of an eight-foot tall masonry wall shall be required within ten feet of the property line along with a ten-foot wide bufferyard as depicted in buffer A. When a residential or institutional Campus Business land use is located adjacent to a residentially zoned district, a type B bufferyard is required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and/or the Saginaw Charter Township Community Development Department, provide an eight-foot-tall privacy fence or wall along the abutting property lines. The fence or wall finish and construction materials must be approved by the department and be consistent in design with the project and the adjoining residential area. In instances when a fence is requested, the developer shall follow the guidelines for a buffer type B, showing the fence, a ten-foot buffer and a combination of trees and shrubs.
 - c) *Industrial land use.* When any industrial land use is proposed adjacent to any recreation and open space, residential, agricultural or institutional land use, a type C bufferyard, as defined herein, shall be required. When any industrial land use is proposed adjacent to any commercial land use a type A bufferyard, as defined herein, shall be required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and/or the Saginaw Charter Township Community Development Department, provide an eight-foot-tall privacy fence or wall along the abutting property line(s). The fence or wall finish and construction materials must be approved by the assistant director of community development and be consistent in design with the project and the adjoining residential area. In instances when a fence is requested, the developer shall follow the guidelines for buffer type B, showing the fence, a ten-foot buffer and a combination of trees and shrubs.
 - d) *High density residential land use.* When any high density residential land use is proposed adjacent to any recreation and open space, low or medium density residential, agricultural or institutional land use, a type B bufferyard, as defined herein, shall be required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and/or the Saginaw Charter Township Community Development Department, provide an eight-foot-tall privacy fence or wall along the abutting property line(s). The fence or wall finish and construction materials must be approved by the assistant director of community development and be consistent in design with the project and the adjoining residential area. In instances when a fence is

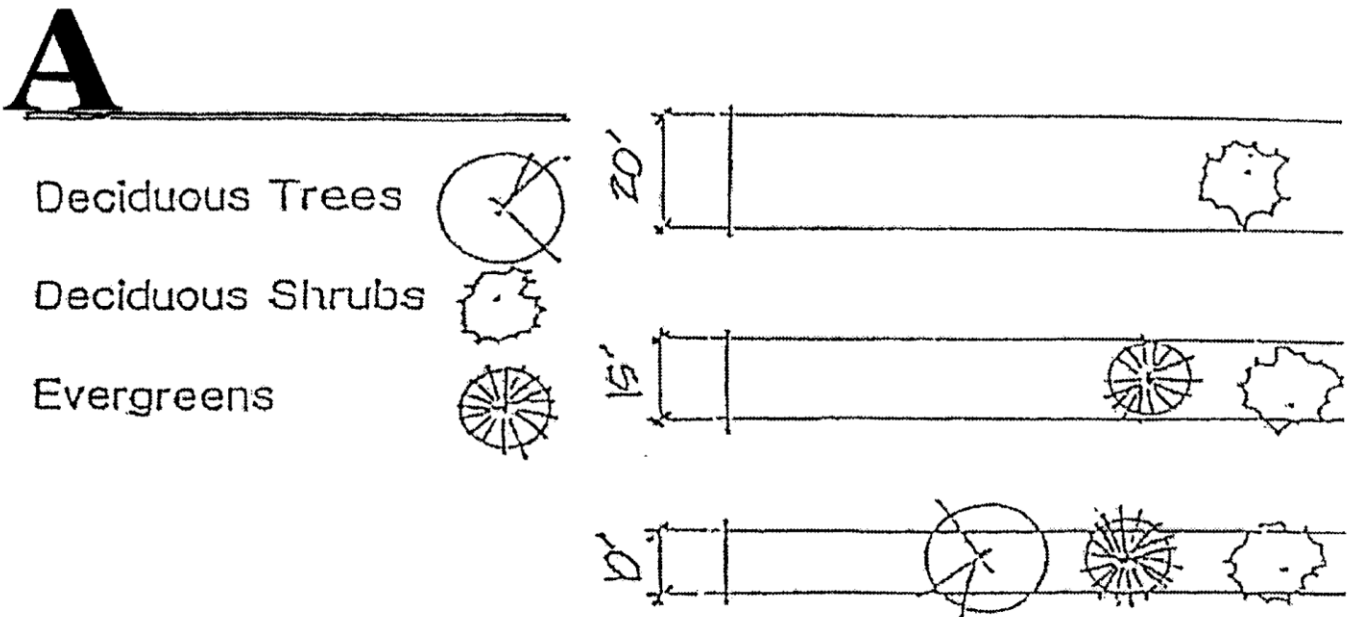
requested, the developer shall follow the guidelines for buffer type B, showing the fence, a ten-foot buffer and a combination of trees and shrubs.

- e) *Institutional land use.* When any institutional land use is proposed adjacent to any residential land use a type A bufferyard, as defined herein, shall be required. In addition, when the property abuts existing residential development, the developer must, upon request of the residential landowners and/or the Saginaw Charter Township Community Development Department, provide an eight-foot-tall privacy fence or wall along the abutting property line(s). The fence or wall finish and construction materials must be approved by the assistant director of community development and be consistent in design with the project and the adjoining residential area. In instances when a fence is requested, the developer shall follow the guidelines for buffer type B, showing the fence, a ten-foot buffer and a combination of trees and shrubs.
 - f) *[When inverse bufferyard requirements apply.]* When a less intensive land use is proposed to be located adjacent to a more intensive land use, the inverse of the bufferyard requirements herein shall apply; that is, for example, if a residential land use is proposed adjacent to an existing commercial land use, a type B bufferyard shall be required to be installed on the residential parcel.
 - g) *[Determination of requirements by zoning administrator.]* When the parcel to be developed is located adjacent to a vacant parcel of land, the bufferyard requirement shall be determined by the zoning administrator based upon the zoning classification of said vacant parcel; that is, for example, if an industrial land use is proposed adjacent to a residentially zoned vacant parcel of land a type C bufferyard shall be required.
 - h) *[Existing plant material or fences.]* Existing plant material or fences may be counted as contributing to the total bufferyard requirement.
 - i) *[Determination for additional bufferyard.]* Should a developed use increase in intensity, the planning commission shall, during the site plan review process, determine if additional bufferyard is needed, and, if so, to what extent and type.
- iii) *Bufferyard types and development standards.* Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements may be satisfied by any of the options indicated for any given bufferyard type.
- a) The following illustrations graphically depict the acceptable bufferyard widths, plant material types, plant material densities and structural or land forms for each bufferyard type.
 - b) All plant materials required within a specified bufferyard shall be planted to completion within six months from the date of receipt of a building permit and shall be thereafter properly maintained in a healthy, viable condition. Plant materials which are not in a healthy, viable condition shall be replaced.
 - c) Landscaping/plant material used for fulfilling the bufferyard requirements or site plan requirements shall be of the following minimum plant sizes:
 - i. Evergreen trees, a minimum of six feet in height;
 - ii. Deciduous trees, a mature canopy height of at least 24 feet and a two and one-half inches caliper at time of planting;
 - iii. Deciduous shrubs and decorative trees, at least six feet in height; shrubs and perennials, a minimum height of 12 inches in the first season.

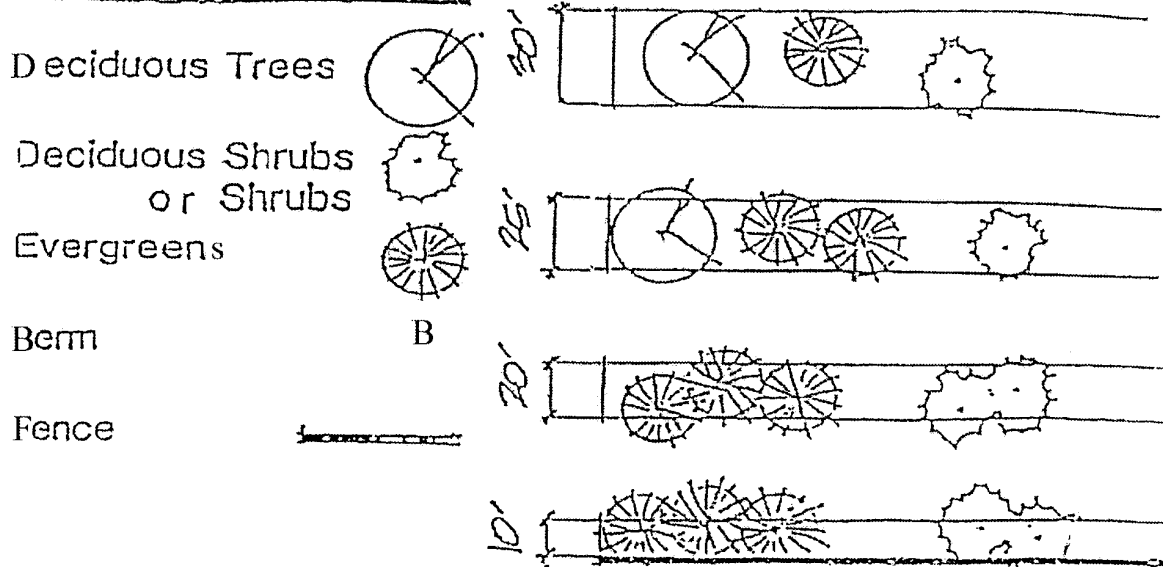
d) Further, when a landscape plan is required, the following materials are specifically prohibited:

- i. Boxelder
- ii. Soft maple (red silver)
- iii. Elm
- iv. Poplar
- v. Willow
- vi. Horse chestnut (nut bearing)
- vii. Tree of heaven
- viii. Catalpa
- ix. Fruit-bearing trees
- x. All thorned trees and shrubs
- xi. Ribes (gooseberry)
- xii. Cottonwood

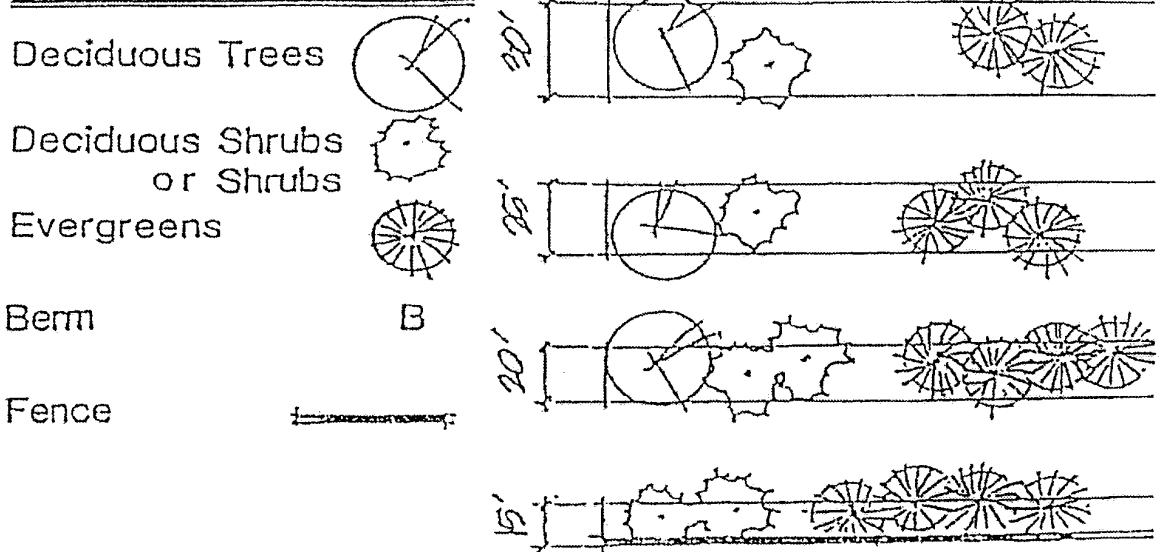
e) Where fencing is required in a bufferyard, it may be eliminated on approval of the planning commission when such fencing is considered by the planning commission to be incompatible with the character of an adjacent residential use. The fence shall be replaced with an evergreen hedge, minimum six feet in height, with plant material dense enough to provide opacity. When fencing is requested as outlined in [subsection] 4.a.ii.a, it may not be replaced with landscaping, except if agreed upon in writing by the owner of the residential properties.



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Varieties	Minimum Allowable Size
Deciduous Trees: Maple, Oak, Birch, Beech, Linden, Ash, Ginkgo	Minimum eight feet in height and not less than 1½ inches in caliper.
Deciduous Shrubs (shrub-like trees): Russian Olive, Dogwood, Redwood, Flowering Crab, Hawthorn, Magnolia	Minimum six feet in height and not less than one inch in caliper
Shrubs: Honeysuckle, Lilac, Cotoneaster, Forsythia, Euonymus, Hydrangea, Privet	Minimum three feet in height

Evergreens: Pine, Fir, Spruce, Hemlock, Juniper, Yew, Arborvitae

Minimum four feet in height

[5.Reserved]

6. *Swimming pools.*

- a) A building permit is required. The application shall include the name of the owner, plot plan and location of adjacent buildings, fencing and gates.
- b) Swimming pools, in-ground or aboveground, are allowed in rear yards only and shall not be located in any street side yard.
- c) No pool shall be located closer to any side lot line than eight feet or closer to any rear lot line than five feet.
- d) No pool shall be closer to any primary structure than ten feet.
- e) Pool houses or structures necessary to the pool shall meet the setback and size requirements for accessory structures as determined in each of the permitted districts.
- f) Concrete slabs or wood decks constructed on grade and located adjacent to any pool may encroach up to two feet from the property line.

(Ord. No. 577, 1-26-1998; Ord. No. 703, 9-8-2008; Ord. No. 715, 5-10-2010)

Editor's note(s)—Ord. No. 577 added a subsection 2 to section 303. It has been redesignated as subsection 6.

Sec. 304. Supplementary height regulations.

1. *Permitted exceptions for structural appurtenances.* The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:
 - a) Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers, and flag poles; provided, that such structural elements do not exceed 20 percent of the gross roof area.
 - b) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, radio or television towers, aerials and fire and base towers, provided the total height of the structure or the building and appurtenance is 150 feet or less from grade and provided that said structures are constructed to be self-supporting.

The foregoing permitted exceptions shall not be for human occupancy or dwelling.
2. *Permitted exceptions, agricultural districts.*
 - a) No exceptions are permitted for residential structures.
 - b) Structures for agricultural operations are permitted up to 75 feet.
 - c) Other nonresidential permitted structures may be erected to a height in excess of that specified provided each front, side and rear yard minimum is increased one foot for each one foot of additional height above the district requirement.
3. *Permitted exceptions, residential districts.*
 - a) No exceptions are permitted for residential structures.

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- b) Principal hospital and church structures may be permitted to exceed height limitations with a maximum height limit of 75 feet, provided each front, side and rear yard requirement is increased by one foot for each one foot of height above the district requirement.
 - c) Personal wireless communication towers may not exceed a height of 150 feet.
4. *Permitted exceptions, business and industrial districts.*
- a) In any business or industrial district, any principal building may be erected to a height in excess of that specified for the district, provided each front, side and rear yard minimum is increased one foot for each one foot of additional height above the district maximum with the exception that hotels shall be permitted to a height of four stories or 50 feet prior to this section applying.
 - b) Personal wireless communication towers shall not exceed a height of 150 feet.
5. *Height restrictions.* Height limitations shall under no circumstances be less restrictive than those specified by the Tri-City Area Joint Airport Zoning Ordinance.
- (Ord. No. 712, 1-11-2010)

Sec. 305. Accessory structures and uses.

Accessory structures and uses shall comply with the following regulations:

1. *General requirements.*
 - a. *Timing of construction.* No accessory structure or use shall be constructed or established on a parcel unless there is a principal building or use being constructed or already established on the same parcel of land. No existing accessory structures shall be occupied or utilized unless the main structure to which it is accessory to is occupied or utilized.
 - b. *Site plan approval.* A site plan is required and shall indicate the location of proposed accessory structures and uses.
 - c. *Conformance with lot coverage standards.* Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.
2. *General requirements for detached accessory structures and uses.*
 - a. *Setbacks.* Accessory structures or uses (including garages) which are not structurally attached, shall meet the same setback and coverage requirements as set forth for the principal structure, except as otherwise specified for accessory structures in residential and agricultural districts.
 - b. *Double frontage lots.* On double frontage lots, accessory buildings shall comply with the applicable front yard setback regulations on both street frontages.
 - c. *Height.* Detached accessory, buildings and structures shall conform to the height requirement for the principal structure in the district in which it is located, except as may otherwise be specified for accessory buildings and structures in residential and agricultural districts.
3. *Attached accessory structures or uses.* Unless otherwise specified in this section, accessory structures or uses (including garages) which are attached to the principal building or structure shall be considered a part of the principal building for the purposes of determining conformance with area, setback and bulk requirements. For the purposes of this section, buildings or structures that are within ten feet of the principal building or structure shall be considered "attached."
4. *Specific requirements for accessory structures and uses in residential and agricultural districts.*
 - a. *Size and number.* Two detached accessory structures are permitted per parcel.

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- i. Lots containing less than 10,400 square feet may have one detached accessory structure not exceeding 720 square feet. The other may not exceed 144 square feet.
 - ii. Lots containing 10,400 square feet but less than 43,560 square feet may have one detached accessory structure not exceeding 720 square feet. The other may not exceed 144 square feet. An additional 20 square feet may be added to the larger accessory structure for every 1,000 square feet of lot area exceeding 10,400 square feet with a maximum of 1,200 square feet.
 - iii. In addition to the above requirements, lots exceeding 43,560 square feet may have one detached accessory structure not exceeding the ground area coverage of the principle dwelling on the lot, excluding unenclosed porches or patios. The other may not exceed 144 square feet.
 - iv. Parcels on which exists a dwelling without an attached garage, two detached accessory structures may be constructed, each totaling 720 square feet or seven percent of the lot size, whichever is less; provided that the required rear yard coverage of 30 percent and total lot coverage of 25 percent is not exceeded.
 - b. *Building and wall height.* Detached accessory buildings may have a building height of 17 feet as measured from the average grade to the highest roof elevation.

Building height may be increased as follows:

Detached accessory structures may match the roof pitch of the primary dwelling.
 - c. *Setbacks.* Detached accessory structures and uses containing 720 square feet or less shall maintain a minimum side yard setback of eight feet and rear yard setback of five feet when located more than ten feet to the rear of the principle structure.

Detached accessory structures or uses exceeding 720 square feet must comply with the side and rear yard setbacks for principle structures or uses in the district in which they are located.
 - i. On a corner lot, an accessory structure or use shall comply with the street side yard setbacks of the principle structure on the lot. Where a rear line coincides with the sideline of an adjoining lot, an accessory structure shall not be closer than eight feet to the common lot line.
 - ii. All detached accessory structures shall be located behind the front building line of the principal structure on the lot or parcel of land.
 - iii. A storage building of no more than 144 square feet may be permitted within two feet of the side or rear property lines.
 - iv. On double frontage lots, accessory buildings shall comply with the rear yard setback of 15 feet.
 - d. *Use of accessory structures.* Attached and detached accessory structures shall not be used as a dwelling unit or for any business, profession, trade, or occupation.
 5. *Accessory buildings in other than residential one- and two-family districts.* Accessory buildings, such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in nonresidential districts, upon planning commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets.

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6. *Wind-driven generating devices.* Since the operations of wind-driven generating devices or windmills cause an amount of noise above that normally produced in a residential district and this noise may be produced at any time of the day and for long periods of time, these devices are hereby considered to be a nuisance in residential districts. In other zoning districts, such devices shall not be permitted within 250 feet of a residential unit or any R zoned property.
7. *Radio and television reception devices.*
- a) *Defined.* Radio and television reception devices (RTRD) are herein defined as devices or structures designed to improve the reception of radio or television transmission, including antennas, antenna masts or towers, satellite television reception dishes and other similar devices.
- b) *[Additional standards.]* Such devices are considered residential accessory structures and shall be regulated under the same requirements with the addition of the following standards:
- i) RTRD's are prohibited in front yards, street side yards on corner lots, or any front or side yard between the principal structure and a public street.
- ii) RTRD's shall not be counted in the determination of maximum allowable lot coverage.
- iii) RTRD's shall be prohibited on that portion of the roof of all residential structures which face toward the street upon which the structure faces.
- iv) No RTRD may contain any written or visual text, pictures, words or design other than on a small metal plate attached to the antenna that identifies the manufacturer, model and serial number of the RTRD, and other specific information as may be required by law or to insure proper identification. If any written or visual text, pictures, words, or designs other than this basic information is included on a RTRD, the antenna will be considered a sign and fall under the requirements of signs in chapter 5 of this Ordinance.
- v) In addition to the yard requirements for accessory structures, no RTRD shall be located closer to any property line than the total height of such a device.
- c) *[Building permit required before installation.]* A building permit shall be obtained before the installation of the RTRD on any lot, and said RTRD shall be installed in a permanent location on the property.
8. *Firewood.* The storage or stockpiling of logs, firewood or similar material is hereby considered to be a residential accessory use and such piles or storage areas shall not be permitted between the principal structure and a public or private street and shall be maintained in a neat and orderly fashion so as to prevent such uses from becoming a blighting influence.
9. *Home occupations.* It is the intent of this section to permit residents of the township a broad choice in the use of their residences as places of livelihood and the production or supplementation of personal and family income, while establishing criteria for the conduct of home occupations in dwelling units in residential districts to protect neighboring residential land uses from adverse impacts of activities associated with home occupations, to maintain and protect the character of residential neighborhoods, and to ensure the compatibility of home occupations with other uses permitted in residential districts. The burden of proof shall be upon the applicant to prove that the standards of this section are being met, especially regarding possible nuisances and traffic.
- a) Home occupations, where permitted, shall conform to the following standards:
- i) Any home occupation shall employ not more than one person other than those persons residing on the premises where the home occupation is to be operated.

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- ii) Any home occupation shall be operated entirely within the principal dwelling and shall have no separate entrance from outside the building. No home occupation or storage of goods, materials, equipment or products associated with a home occupation shall be permitted in any detached building, structure, detached garage or open area other than within the principal dwelling.
 - iii) Shall exclude retail and/or wholesale sales (other than over the phone, electronic means and/or through the mail) nor any industrial use (other than custom crafts and sewing).
 - iv) The operation of a home occupation shall not involve alteration or construction not customarily found in a dwelling, nor shall a home occupation use more than 25 percent of the total actual first floor area of the dwelling, exclusive of porches, garages and similar areas.
 - v) Home occupations shall generate no noise, odor, vibration or electrical interference beyond that level normally associated with residential land use, nor shall a home occupation require, involve or utilize any mechanical or electrical equipment except that which is normally used for purely domestic or household purposes.
 - vi) Home occupations shall not generate traffic in volumes greater than that level normally associated with residential land uses.
 - vii) The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area. In addition, the lot or property on which the home occupation is conducted shall not have any parking spaces added to it during the time the home occupation is being conducted, nor shall any parking space be used that was not customarily or regularly used prior to that time. Not more than two patrons or business related vehicles shall be present at any one time, and the proprietor shall provide adequate off-street parking for such vehicles that is paved or otherwise surfaced as approved by the zoning administrator. Parking of vehicles in the public right-of-way (swale/road edge) is prohibited. Further, utilization of the residence as a place where employees or customers of the home occupation meet regularly or daily for travel to some other destination, and any parking of vehicles associated with this activity is prohibited.
 - viii) No home occupation may have deliveries to or from the dwelling, more than once in any one month and such deliveries shall not restrict traffic circulation. This delivery restriction does not apply to step van vehicles such as United Parcel Service or Federal Express vehicles.
 - ix) A Saginaw Township Business License shall be required of all home occupations.
 - x) There shall be no outdoor operations or outdoor storage of materials, products or equipment including commercial equipment and trailers as defined in subsection 302.11.
 - xi) Advertising. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.
 - xii) Commercial vehicles are allowed subject to compliance with subsection 302.11.
10. *Family day care facilities.* Where permitted, family day care facilities shall comply with the following standards:
- a) Family day care facilities shall comply with all development requirements of a home occupation.
 - b) A family day care facility shall have in attendance no more than six children.

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- c) Any family day care facility shall not operate without first obtaining a Saginaw Township Business License and proper license from the State of Michigan Department of Social Services.
 - d) Family day care facilities shall only be permitted in owner-occupied, single-family, detached dwellings.
 - e) All structures and parcels of land used in connection with any family day care facility operation shall conform to all state laws and local ordinances. A family day care facility shall not be operated in a building or on a parcel of land which does not conform to the requirements of the Township Zoning Ordinance and adopted construction codes.
11. *Group day care home.* Where permitted, group day care homes shall comply with the following standards:
- a. Is located not closer than 1,500 feet to any of the following:
 - i. Another licensed group day care home.
 - ii. Another adult foster care small group home or large group home licensed under the adult foster care facility license act.
 - iii. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the public health code, 1978 PA 218, MCL 400.701 to 400.737.
 - iv. A community correction center, resident home, halfway house, or other similar facility, which houses an inmate population under the jurisdiction of the department of corrections.
 - b. Has installed a fence a minimum of five feet in height around the perimeter designated and approved by the state for outdoor play area(s).
 - c. The property is maintained in a manner that is consistent with the visible characteristics of the neighborhood.
 - d. Does not exceed 16 hours of operation during a 24-hour period.
 - e. Shall comply with the provisions of the Township's home occupation provisions.

(Ord. No. 455, 4-22-1999; Ord. No. 677, 11-8-2004; Ord. No. 701, 3-26-2008; Ord. No. 715, 5-10-2010)

Sec. 306. Reserved.

Editor's note(s)—Ord. No. 674, adopted Oct. 25, 2004, deleted section 306 in its entirety. Former section 306, pertained to district boundary exceptions. For complete list of derivations, see Code Comparative Table.

Sec. 307. Approval of plats.

No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this Ordinance and all other applicable codes or ordinances.

Sec. 308. Zoning of plats.

All plats shall be subject to the provisions of the district within which they are located pertinent to allowed uses and further required zoning district change which may be necessary to accommodate proposed use or uses shall be made according to amendment procedures prescribed by this Ordinance.

Sec. 309. Public sanitary sewer connection.

When public sewer is available or becomes available in the street, connection to the public sewer system shall be made within 90 days.

Sec. 310. Density computation.

Should density computation be required for a land development project, except as specified for planned unit developments and mobile home parks, the following criteria shall be applied:

1. *Site acreage computation.* In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created:
 - a) Land utilized by public utilities as easements, for major facilities, such as electric transmission lines, sewer lines, water mains, road easements, or other similar lands which are not available to the owner because of such easements.
 - b) Lands within floodplains.
2. *Maximum number of lots and/or dwelling units.* After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned development is located.

The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

DISTRICT USE AREA	PERCENT OF PROJECT
R-1, R-1A (Single-family detached, two-family)	25
R-2, R-3, R-4 (Single-family detached, townhouses, two-family, multifamily)	20

These percentages shall apply regardless of the amount of land actually required for street right-of-way.

Sec. 311. Site plan review.

The purpose of site plan review is to determine compliance with the provisions and intent set forth in this section and to promote the orderly development of the township and to prevent the development of or alteration of land without proper attention to setting and appearance.

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1. *Site plan review and approval required.* Prior to the erection of any building or structure or additions hereto, change in use in any zoning district, any land use requiring special use approval or any planned unit development, a site plan shall be submitted for review and approval. This review and approval shall be performed by the zoning administrator or by the planning commission.

A "building permit" or "certificate of occupancy" shall not be issued prior to final approval of the site plan.

At no time shall a site plan be reviewed when considering a request for rezoning. A decision to rezone property should be based on the long-term goals and the future land use map as determined by the master plan of the township. Also, it is important to consider the timeliness of the development and the long-term use of land.

In authorizing any site plan approval, the township planning commission may require that a bond of ample sum be furnished to insure compliance with requirements and/or specifications imposed by the approved site plan.

2. *Administrative site plan review by the zoning administrator.* The zoning administrator may perform a site plan review for:
 - a. A residential structure having two or fewer dwelling units therein and accessory structures and uses;
 - b. Uses permitted by right or under special conditions in any "A", "R-1A", "R- 1", or "R-2" zoning district.
 - c. A change in the use of a structure or land that does not require additional parking and does not involve structural alterations.
 - d. A commercial accessory building containing 1,000 square feet or less;
 - e. An addition to an existing structure or parking lot if the addition totals 20 percent or less of the existing structure or parking lot, and only if the addition will be surfaced with material or materials which do not differ from materials on the existing structure.
 - f. The planning commission reserves the right to delegate responsibility for review to the zoning administrator for other site plans deemed appropriate by size or function.
 - g. In order to perform this review, the zoning administrator may require the submission of information set forth in this section.
 - h. The zoning administrator will transmit copies of the site plan to the departments as appropriate for review. Upon receiving recommendations from the departments, the zoning administrator shall transmit the recommendations to the applicant. If the applicant concurs with the staff recommendations, the site plan will be approved along with all the recommendations as agreed to by the applicant.
 - i. In instances where the applicant does not concur with recommendations or where the zoning administrator deems planning commission review necessary during the administrative site plan review process, the applicant or the zoning administrator may request the site plan be transmitted to the township planning commission. The applicant will be required to pay the appropriate associated fee for site plan review.
3. *Site plan review by the township planning commission.* All other structures and uses of land or buildings not covered in section 311.1(a) shall be reviewed by the township planning commission, and the following site plan review procedures shall be followed:

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- a. Application deadlines. Application for site plan review shall be made at least 14 days prior to the scheduled planning commission meeting.
 - b. Application. The application requesting site plan review must be accompanied by a fee, as established by the township board. The application will not be reviewed until all submission requirements, including the fee, has been paid.
 - c. Submission of site plan. A minimum of five copies of the initial site plan map (24" x 36") along with one reduced copy or such additional copies as may be specified by the zoning administrator, and other attachments shall be submitted and shall contain the items listed below:
 - (1) Scale. The site plan must be drawn to a consistent scale of not less than one inch equals twenty feet (1" = 20') if the proposed site is less than three acres and not less than one inch equals fifty feet (1" = 50') if the proposed site is three acres or more.
 - (2) Identification. The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
 - (3) Property information. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from, including all existing and proposed easements or right-of-ways. Zoning of the site and the adjacent properties, and the current use of the site and of adjacent properties, must be identified. A legal description, location map and computation of the area of the property must accompany the site plan.
 - (4) Site features. The site plan should depict existing environmental conditions, including the location of wooded areas, isolated trees over six inches in diameter, topography, wetlands, any existing structures, including any site contamination, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
 - (5) Transportation features. The site plan must show the location and surface type of all existing and proposed public roads, access drives, internal vehicle circulation areas, all turning radii, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pick-up stations.
 - (6) Utilities. The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include location of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping station and approximate location of manholes. Storm water drainage information shall include any enclosed drains, flow restrictors and on-site retention/detention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
 - (7) Site drainage and grading. The site plan must show the location of storm drains, invert elevations, proposed finished grades, drainage ditches, catch basins, manholes, flow restrictors and on-site retention/detention. Allowable discharge and on site storage calculations must also be included.
 - (8) Structures. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. Schematic plans and elevations of all structures must be included. The site plan should also show the location, arrangement, dimensions, and type of proposed signs, lighting, landscaping, screening,

fences, and decorative walls. For multi-family housing developments, the number of units in each building must be identified.

- (9) Additional information/supplementary materials. The site plan shall be supplemented by any additional information that, in the zoning administrator's discretion, is important for the site plan review process. Applicants shall be responsible for all costs of required supplementary materials. This could include, but not limited to, an assessment of the proposed project's impact on environmental, historical, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.

4. *Site plan review procedure.* The review procedure begins with a pre-design meeting between the applicant's design professional and a representative of the community development department. A preliminary site plan is submitted to the planning commission for consideration. If approved with conditions, a final site plan complying with those conditions must be resubmitted to the community development department for administrative review and approval.
- a. Pre-design meeting. In order for an applicant to have a site plan considered by the planning commission, the applicant and his/her design professional shall be responsible for coordinating a pre-design meeting with a representative of the community development department. The purpose of the meeting is to address various site plan layout alternatives and identify any major obstacles that may need further attention. Once a conceptual design is agreed upon by both parties, or differences of opinion with respect to the site plan have been identified, a preliminary site plan may be submitted for consideration by the planning commission.
 - b. Preliminary site plan review by the planning commission. The preliminary site plan shall be reviewed by the township planning commission and shall be approved, disapproved, approved with specific conditions, or tabled as may be deemed necessary to carry out the purpose of this section and other codes and regulations of the township. If, during review, the planning commission finds a site plan not in conformance with the provisions set forth in this section it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to secure approval.
 - c. Final site plan approval by the planning commission. If the planning commission or other department imposes conditions on a site plan approval, the applicant is required to resubmit two copies of a final site plan that reflects said conditions. Staff will then review the final site plan for compliance with those conditions. If the site plan complies with the approval conveyed by the planning commission, staff will stamp both copies "approved" and return one to the applicant. One copy will be kept on file with the community development department. If the site plan does not comply with the conditions imposed by the planning commission, staff will stamp both copies "resubmit—not approved." One copy will be returned to the applicant the other will be put into the site plan file.
 - d. Approval. Following approval of the site plan, it shall become part of the record, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this section received the mutual agreement of the land owner and the township planning commission or zoning administrator, as appropriate. Incidental and minor variations of the approved site plan with written approval of the zoning administrator, shall not invalidate prior site plan approval.
 - e. Denial for specific requirements. In instances where specific dimensional or area requirements mentioned in the zoning ordinance are not satisfied on the site plan, requests for variance(s) may be initiated by the applicant to the township zoning board of appeals. Requirements not met are grounds for denial.

5. *Interdepartmental procedures for site plan review.*

- a. Interdepartmental review. Each affected department, including the community development department, department of public services, fire department and planning department reviews the project independently. If any department finds a need to suggest or require revisions, the developer may be called in for further consultation in an effort to accommodate the condition. Each department shall write up its review comments upon completion by using criteria approved by the planning commission. Said review comments will be included in staff's report to the planning commission
- b. Utility capacity analysis. If the general character of the site plan is acceptable to the departments, it is referred to the township engineer, who shall be a practicing, registered civil engineer appointed by the board of trustees. The township engineer shall conduct a utility capacity and design analysis at the request of the director of the department of public service. The utility capacity analysis examines the adequacy of the public sanitary sewer, municipal water, and storm drainage for the project according to design standards established by the board of trustees. It is also to ensure that specific site plans conform to the needs or plans for the total utility system of the township. If problems are encountered at this point, the site plan is referred back to the department of public service for consultation with the developer.
 - (1) If, after favorable review by the departments and the utility capacity analysis, there are no significant revisions in the site plan, then it shall be approved by the zoning administrator and the project may be issued a building permit.
 - (2) If the site plan is revised during administrative review, utility capacity analysis, or if there are differing administrative perspectives, then the site plan shall be referred again to the Saginaw Township Planning Commission. The planning commission's responsibilities then include:
 - i. Reviewing the impact and desirability of any revisions made to the site plan in terms of review criteria.
 - ii. Resolving differing viewpoints or interpretations among the administrative officials.
 - iii. Review additional data that may be provided in order to make judgments about landscaping, construction materials or appearance.
 - iv. Make a determination as to whether the site plan is acceptable as submitted, acceptable with certain revisions, or unacceptable for specific reasons or deficiencies based on the criteria required for approval.

If the planning commission rejects the final site plan, a new site plan shall be required. If it is approved subject to certain revisions required by the planning commission, then final approval is subject to revisions required by the planning commission and upon the submittal of a revised plan to the administrative site plan review committee. If the revised plan meets the conditions specified by the planning commission, then it shall be approved by the administrative site plan review committee. If approved as submitted and the utility capacity is satisfactory, the review process is completed and the zoning administrator may issue a building permit and or certificate of occupancy.

6. *Site plan standards and requirements.* In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the township planning

commission shall determine whether the site plan meets the following criteria, unless the township planning commission determines that one or more of the criteria are inapplicable:

- a. The proposed site plan shall meet all applicable requirements of the zoning ordinance in terms of intent, use, dimensional, design guidelines and other requirements;
 - b. Safe, efficient, and convenient transportation shall be afforded the site including road rights-of-way, vehicular access and circulation, adequate parking, pedestrian and non-motorized facilities (if appropriate), and emergency vehicle access;
 - c. Appropriate consideration shall be made as to the impact on adjacent land uses including conformance to the Township Land Use Plan; relationship to the architectural scale, mass, and building materials used in it's surrounding environment; landscaping to provide buffers including fences, walks, or vegetative screens, and site lighting; and limitations and opportunities afforded by major land uses and zoning on adjacent or nearby parcels.
 - d. Adequate provisions shall be made for public utilities to, through and on the site including: sanitary sewers or on-site sewage disposal treatment, water supply and fire hydrants, storm drainage including a grading plan, restrictions and detention/retention if necessary, and disposal of solid refuse.
 - e. Protection of unique site or environmental conditions shall be ensured including, when appropriate, utilization of natural topography, vegetation, drainage, and other resources; maintenance of established conditions or continuance of established patterns of landscaping; appropriate design and orientation of structures on the site; and control of noise, smoke, vibration, odor, glare, heat, or other environmental intrusions.
 - f. Provisions for open space, recreation, storage space, and community facilities shall be required in all multiple-family developments and may be required for other large scale, intensive site uses.
 - g. Any site plan approved shall further be consistent with the purpose of the zoning ordinance as identified in Section 102 of the Saginaw Charter Township Zoning Ordinance as amended.
 - h. Pedestrian walkways and/or pathways shall be provided as deemed necessary by the township planning commission for separating pedestrian and vehicular traffic.
7. *Appeals.* The applicant shall have the right to appeal from the decision of the township planning commission or administrative site plan review to the township board, whose decision will be final.
 8. *Expiration.* Planning commission approval of a site plan shall expire after one year if earnest construction of an approved structure has not commenced. The zoning administrator, in his discretion, may approve an extension of up to one year.

(Ord. No. 652, 10-27-2003)

Sec. 312. Supplementary dwelling regulations.

For the protection of the health, safety and general welfare of the citizens of Saginaw Township and to insure that all new dwellings compare favorably with other housing in the township, all dwellings shall comply with the following provisions in addition to any requirements of the applicable construction codes:

1. The dwelling shall be placed upon and secured to a permanent foundation in accordance with the building code adopted by the township. The vertical area between the grade elevation of the lot and the structure shall have a wall of similar perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for all dwellings. Such wall shall be of similar construction and appearance as other dwellings in the vicinity. In the event that the dwelling is

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of a type manufactured off the site (such as a modular housing unit as defined herein) such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

2. If the dwelling has wheels, towing mechanisms or undercarriages, they shall be removed.
3. The dwelling shall be connected to an approved potable water supply and sanitary sewerage disposal system as provided for in section 302(4) of this Ordinance and Saginaw Township Ordinance [No.] 72, as amended.
4. Unless otherwise stated herein, the minimum width-to-depth ratio for any single-story dwelling shall be two feet of width for every one foot of depth.
5. The dwelling shall comply in all respects with the adopted fire, plumbing, mechanical, electrical and building codes of Saginaw Township. In the case of a dwelling unit manufactured off the site (such as a mobile home), all construction and all plumbing, electrical apparatus, and insulation within and connected to said dwelling shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as, from time to time, such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load requirements.
6. Any additions shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
7. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design shall be determined in the first instance by the township zoning administrator upon review of the plans submitted for a particular dwelling subject to appeals by an aggrieved party 15 days from the receipt of notice of said zoning administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design, and appearance of one or more residential dwellings located within 2,000 feet of the subject dwelling where such an area is developed with dwellings to the extent of not less than 20 percent of the lots situated within said area, or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in any ordinance of Saginaw Township regulating such parks.

Sec. 313. Condominium projects.

1. *[Subject to pertinent regulations.]* All condominium projects shall be subject to any pertinent regulations of the Saginaw Charter Township Zoning Ordinance and any other applicable local ordinances.
2. *Initial information.* Concurrently with notice required to be given the Township of Saginaw pursuant to section 71 of Public Act No. 59 of 1978 (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
 - a) The name, address and telephone number of:

All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, option, or land contract vendee).

All engineers, attorneys, architects, or registered land surveyors associated with the project.

The developer or proprietor of the condominium project.

- b) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 - c) The acreage content of the land on which the condominium project will be developed.
 - d) The purpose of the project (for example, residential, commercial, industrial, etc.)
 - e) Approximate number of condominium units to be developed on the subject parcel.
3. *Information to be kept current.* The information shall be furnished to the zoning administrator and shall be kept updated until such time as a certificate of occupancy has been issued pursuant to section 2301 hereof.
 4. *Site plans—New projects master deed and engineering and inspections.* Prior to recording of the master deed required by section 72 of Public Act No. 59 of 1978 (MCL 559.172), the condominium project shall undergo site plan review and approval pursuant to section 311 of this Ordinance. In addition, the township shall require appropriate engineering plans and inspection prior to the issuance of any certificates of occupancy.
 5. *Site plans—Expandable or convertible projects.* Prior to expansion or conversation of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant to section 311 of this Ordinance.
 6. *Master deed, restrictive covenants, and "as built" survey to be furnished.* The condominium project developer or proprietor shall furnish the zoning administrator with the following: one copy of the recorded master deed; one copy of all restrictive covenants; and two copies of an "as built survey". The "as built survey" shall be reviewed by the township engineer for compliance with township ordinances. Fees for this review shall be established by resolution of the township board.
 7. *Monuments required—Site condominium projects.* All condominium projects shall be surveyed by a registered land surveyor with property lines physically delineated by survey monuments on the site per township engineering standards.
 8. *Compliance with federal, state and local law.* All condominium projects shall comply with federal and state statutes and local ordinances.
 9. *State and county approval.* The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the freshwater system for the proposed project and with regard to the wastewater disposal system for the proposed project.
 10. *Temporary occupancy.* The zoning administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed; provided, that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the township.
 11. *Single-family detached condominiums.* Single-family detached condominiums shall be subject to all requirements and standards of the applicable R-1, R-1A, R-2, R-3, and R-4 districts including minimum floor area. The permitted density shall be computed in accordance with section 310.

There shall be maintained a minimum spacing distance of 80 feet with sanitary sewer or 85 feet without sanitary sewer from the center of one residential dwelling unit to the center of any adjacent residential dwelling unit. This spacing requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum 30-foot front yard, 30-foot rear yard and 20-foot distance between adjacent dwelling units can be satisfied.

Rear lot drainage shall be shown on the site plan and installed per Saginaw Charter Township standards.

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12. *Streets and roads.* All streets and roads in a single-family detached condominium project shall, at a minimum, conform to the standards and specifications promulgated by the Saginaw County Road Commission. Such streets or roads shall be dedicated to the Saginaw County Road Commission and must comply with the township comprehensive plan and major street plan.
 13. *[Copy of site plan to be furnished.]* After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the township a copy of the site plan on a photographic hard copy, laminated photostatic copy, or mylar sheet of at least 13" × 16" with an image not to exceed 10½" × 14".

(Ord. No. 437, 10-29-1989)

State law reference(s)—Condominiums, MCL 559.1d et seq.

Sec. 314. General design guidelines.

These guidelines are intended to serve as recommendations for all development and redevelopment projects completed by the private sector that require site plan approval. They are designed to enhance and protect Saginaw Charter Township's quality of life and community image as well as protect and promote the township's long-term economic vitality through quality design and architecture.

1. *Architectural design guidelines.*
 - a. While no specific or particular architectural style is required for any structure, high quality, innovative and imaginative architecture is encouraged. The use of standardized, "corporate" architectural styles associated with franchises is discouraged. Site specific design solutions are encouraged.
 - b. All buildings should be compatible in scale, mass, and form with adjacent structures and the pattern of the surrounding area.
 - c. Efforts to coordinate the actual and apparent height of adjacent structures are encouraged. This is especially applicable where buildings are located very close to each other. In terms of design, differing heights can often be made more compatible through placement of windows, belt courses and other horizontal elements that reflect similar elements on neighboring properties, including roof lines and roof pitches.
 - d. Rear and side facades, if visible from public streets or neighboring properties, should be carefully designed with similar detailing, and should be compatible with the principal facades of the building. All elevations of the building will be evaluated during review.
 - e. The incorporation of defined outdoor spaces into the buildings and site designs of all new development in the township is encouraged. Outdoor spaces, which are encouraged, include courtyards, patios, plazas, covered walkways passages, gardens, trellised areas, etc.
 - f. Building surfaces more than two stories or 35 feet high or 50 feet in length, should attempt to include a wall plane that provides strong shadow or visual interest.
 - g. New building forms and elevations should be detailed and articulated to create interesting roof lines, and strong patterns of shade and shadow.
 - h. Building frontages should be active with large non-reflective minimally tinted window openings at ground level.
 - i. Large structures should be designed to reduce their perceived height and bulk by dividing the building mass into smaller-scale components.

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- j. The rear of existing buildings shall be enhanced, where appropriate, to improve public access from parking lots.
 - k. Variations in rooflines should be encouraged to reduce the massive scale of the structure and add visual interest. Roofs should attempt to include two of the following features: parapets concealing flat roofs and roof top equipment, overhanging eaves, sloped roofs, and three or more roof surfaces.
2. *Building equipment and service.*
- a. Access for service vehicles should be provided on the street with the least traffic volume.
 - b. Building equipment shall be located, designed, and/or screened to minimize visual impact on public streets, large surface parking fields and neighboring properties.
 - c. Trash containers and outdoor storage areas shall be screened from public streets, pedestrian areas, and neighboring properties. The screen for both the trash containers and any outdoor storage should be designed to be compatible with the architectural character of the development. It shall be constructed of durable materials similar to those of the building and should have solid (opaque) walls and doors.
 - d. When feasible and/or upon recommendation by the planning commission, service and loading areas should be separated from main circulation and parking areas and away from public streets. Loading and unloading activities shall not require circulation onto public streets.
 - e. All exterior on-site utilities, including but not limited to, sewers, gas lines, water lines, and electrical, telephone and communications wires and equipment, shall be installed and maintained underground. Drainage systems, when pertaining to retention or detention, may be installed above ground but should be well planned, attractive and integrated into the site.
 - f. Developers should work with utility companies to plan the most appropriate and unobtrusive location for utility boxes and other necessary utility installations. All utility installations should be screened by an architectural screen similar to the building. If this is not possible the utility installation shall be mitigated through landscaping, loading docks and outdoor storage areas shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Screening walls consistent with the main structures material is encouraged.
3. *Site design.*
- a. The sequence of continuous pedestrian activity shall not be interrupted. Blank walls and other "dead" or dull space at the street level shall be avoided. Visually interesting activities at the sidewalk edge shall be maintained and/or established to engage pedestrian interest.
 - b. Frontage design and signage locations shall be coordinated with streetscape landscaping and street trees.
 - c. Pedestrian open spaces such as covered walkways; courtyards and plazas are encouraged, as well as the development of open and attractive passageways between buildings and uses.
 - d. Outdoor seating and dining areas that face onto the street are encouraged.
 - e. The existing scale and rhythm of storefronts shall be preserved. When a parcel is redeveloped, there should be an attempt to design a structure that will positively impact, and not detract, the already built environment. Buildings over two stories high may seek to "scale down" their facades to reduce apparent height. The building wall at the street should be no more than 35 feet tall. The upper story above 35 feet should be stepped back a distance equal to the height of the building story immediately below.

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- f. All roof top mechanical equipment; antennas, etc. shall be screened from view. Roof top lighting is strongly discouraged.
 - g. Shopping cart storage areas shall be incorporated into the building design as an integral part of the development and shall be harmonious with other aspects of the development.
 - h. Stormwater detention and/or retention should be integrated into the site and addressed as a site feature and amenity as opposed to merely an infrastructure necessity. Developers should work to master plan drainage and retention facilities to improve efficiency and create larger usable areas of open space.
 - i. Lighting should operate for only the minimum number of hours required and should then be reduced in level or turned off. The design of lighting systems should anticipate lighting levels that will vary depending on building use, hours of operation, occupancy and seasonal changes. The hours of operation of site lighting should be included in the site plan submittal.
 - j. Landscape feature lighting and lighting at the pedestrian level is encouraged.
 - k. Architectural lighting should be used to highlight special features only and to embellish the lighting levels of ground level pedestrian areas.
 - l. Mailboxes and mail delivery. All mailboxes shall be centrally located and internal to the site. Mailbox location shall be off the public roadway and coordinated with the United States Post Office.
4. *Landscaping.*
- a. Landscaping should be provided along and against buildings to anchor it to the surrounding environment and soften the structure.
 - b. Trees should be used throughout paved areas and along pedestrian pathways. Trees should be so selected and planted to provide a mix of canopy and ornamental trees.
 - c. Dense landscaping and/or architectural treatments should be provided to screen unattractive view and features, such as storage areas, trash enclosures, utility cabinets, etc.
 - d. Developers are encouraged to retain existing mature and desirable trees on site and to incorporate them into the new development.
5. *Guidelines for the public streetscape.* The streetscape environment includes all the elements that can make a pedestrian comfortable such as the sidewalk, street trees, street furniture, and the facade of the building.
- a. All projects must incorporate pedestrian access from the street and parking areas and may be required to install pedestrian amenities as identified below:
 - i. All development and redevelopment projects must include sidewalk and sidewalk connections as deemed appropriate by the planning commission. At a minimum, these connections should provide access to, from and in between existing pedestrian hubs, such as to adjacent businesses, public areas and transit stops.
 - ii. In order to provide safe and convenient pedestrian access, all crosswalks on streets whether public or private and driveways shall be denoted by a change in surface consistent with the intent of the design guidelines and as approved by the planning commission.
 - iii. Benches and waste receptacles in a type and color specified by the Township consistent with the existing or planned streetscape in the area may be required when any of the following conditions are present:

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- a. Commercial uses,
 - b. Institutional uses,
 - c. Commercial recreation, including theaters,
 - d. Any mixed use development, or planned unit development,
 - e. Residential development at a density greater than 4 dwelling units per acre, and
 - f. Developments directly adjacent to a multi-use path, as identified as above, regardless of size.
- iv. A minimum of two bike spaces may be required, in a type and color specified by the township, dependent on the use of the site, the intensity of the development and/or the proximity of pedestrian pathway(s).
 - v. A development located along Tittabawassee Road shall install a ten-foot wide path in lieu of installation of a public sidewalk constructed to the design and specification requirements of the Township.
- b. Terminal street views (the point where a street connects perpendicular to a second street) should focus on a significant built or natural feature (a building, landscaping, public space - not a parking lot).
 - c. Street trees and landscaping should be designed and maintained to enhance pedestrian access and levels of comfort.
 - d. Buildings, not parking lots, should be the primary feature at the entrance to a development.
 - e. Facades facing streets or public walkways shall incorporate windows and doors so as to encourage pedestrian activity. Mirrored or smoked glass is discouraged as it acts as a wall and prevents pedestrian interaction.
 - f. Street furniture. Street furniture, including benches and trash receptacles, shall be provided at key locations at the discretion of the township, and shall be of a type and standard approved by the township.
 - g. Decorative street lights.
 - i. Any proposed street lighting that is intended to serve to light a circulation drive, a dedicated private street or intended to be a street dedicated to the county shall be of a type and standard approved by the township. If there is a corridor or streetscape plan for the area, the fixtures shall be consistent with the adopted plan. This is inclusive of residential development for corridor streetscape.
 - ii. Any freestanding light fixture (lamp post) at the entry to the building shall be of the same head fixture and color as the township specification for the area.
6. *Cardinal Square*. Cardinal Square is a specified geographic area within Saginaw Charter Township, located generally between McCarty Road north to Tittabawassee Road, west to Mackinaw Road and east to I-675.
- a. All developments within Cardinal Square shall install, at key locations, brick pilasters and wrought iron or simulated wrought iron fencing, with the following standards:
 - i. Brick columns, two feet by two feet wide, composed of standard brick units. The brick shall be as specified by the township. A four-inch soldier course of brick or two courses of

quoining is required at the top of each column. A beveled limestone cap with a two-inch overhang is required to be placed on top of each column.

- ii. Commercial grade ornamental metal fence with finish rail top shall be installed between the columns. The fence shall be wrought iron, aluminum, steel or other similar material. No vinyl fencing is permitted and no exposed sharp points shall project. The fencing shall be between 30 and 36 inches in height. There shall be a minimum of 16 feet and a maximum of 32 feet between each column unless otherwise specifically approved by the planning commission.
 - iii. The fencing shall be mounted to a separate post and not the column. There should be a one-inch control joint between the fence and brick column.
 - iv. Line posts shall be provided and spaced every eight feet.
 - v. Total height of the brick columns including limestone cap shall be a minimum of 41 inches to a maximum of 57 inches tall.
 - vi. All fencing and columns shall be located a minimum of four feet but no more than eight feet, behind the existing sidewalk or pathway but not within any road right-of-way or the location of the proposed sidewalk or pathway, as determined by the zoning administrator.
 - vii. Low growing landscaping, preferably a mix of ornamental grasses, perennials and low growing shrubs is strongly encouraged between the sidewalk and fence and shall be designed, installed and maintained so as not to obstruct site distance.
 - viii. When adjacent to a multi-use path, the developer shall, at the request of the planning commission, construct that portion of the pathway proposed for their property and/or provide a connection to the multi-use path.
7. The Campus Business district is a zoning district limited to a specific geographic area within Saginaw Charter Township.
- a. The general design guidelines described in Section 314 shall be incorporated in all developments within the Campus Business district.
 - i. Furthermore, a minimum of 15 percent of a development's building facade that is visible from the street or adjacent properties shall be windows.
 - ii. Buildings shall be constructed to be long-lasting and use natural materials including brick, stone (including cast stone), or other such specifically approved materials as the primary building materials.
 - b. When a parking lot of more than five vehicles is located between the building and the road, at least 75 percent of the frontage of the parking area shall be screened through landscaping, bermed areas or a combination of the two. Screening shall be located adjacent to the parking area and have a minimum height of three feet measured from the highest finished grade of the parking area. The screening shall consist of a combination of shrubs, decorative fencing, berm(s) with a minimum of a one to three rise to run, perennial plantings and other such items, with a minimum of one shrub or perennial plant provided for each four lineal feet. The plants shall meet the height and species requirements contained in Section 304.b.
 - c. Every building except single-family dwellings, shall be provided with landscaped materials along its perimeter meeting the following criteria:
 - i. At least 75 percent of all sides of a building visible from the road or an adjacent property shall be landscaped and such landscaping shall be located within 20 feet of the building.

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- ii. The planting area devoted to the building landscaping shall be a minimum of eight feet in width.
 - iii. Landscaping materials shall include a combination of deciduous trees, evergreens, hedges, shrubs, annual and perennial flowers and ground cover plantings.
 - iv. Deciduous trees shall be planted at a rate of three trees for every 100 lineal feet of the building.
 - v. All portions of the planting area not otherwise devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment, excluding paving or gravel except that this planting area may be interrupted by walkways. Decorative stone and/or mulch is permitted.
- d. Deliveries, loading and unloading, dumpster unloading, parking lot cleaning, and similar building or site maintenance when located within 100 feet of a residential (R) district, shall not take place before 7:00 a.m. or after 9:00 p.m.
 - e. Compatibility with adjacent residential districts or uses: The proposed location of accessory uses or structures that are of a significantly different scale or character than the adjacent residential districts or uses, such as access drives, parking areas, solid waste pickup points, loading, unloading, and facilities of a similar nature, shall not be located near the boundary of the development.
 - i. In no case shall unloading, loading or storage of equipment or materials take place within 100 feet of a residential district.
 - ii. If the project abuts a residential district or use or where there is a compatibility issue, a transition area shall be provided. This transition area includes the 100-foot minimum setback required by Section 2004.3.c and 2004.4.c. Altering the grade within the transition area shall be minimal unless needed to provide effective buffering or to accommodate drainage.
 - iii. If the grade change abutting a residential district or use is to be varied by more than three feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Cross-sections and/or photographs of existing conditions shall be provided to document the effectiveness of the proposed buffer.
 - f. Preservation of on-site natural areas: Efforts shall be made to preserve natural features and the integrity of the land. Developments that preserve on-site natural areas shall be permitted to adopt one of the following bonus provisions:
 - i. Rear and side yards may be reduced to a minimum of one-half the required distance, except for lots that abut a residential district or use, or
 - ii. When a development preserves a wooded area at least two acres in size, the total landscaping required (quantity of plants) shall be reduced by 60 percent, or
 - iii. Developments that preserve at least two acres of natural area adjacent to a residential area may forgo installation of the required buffer yard in that area based on the approval of the planning commission.
8. *State Street Corridor.* The State Street Corridor is a specified geographic area within Saginaw Charter Township stretching along and around the State Street Corridor and extending north and south on collector roads. The specific geographic area is the same as the State Street Corridor Improvement Authority.
- a. The State Street Corridor Overlay District is recommended in order to meet the following:

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- i. Preserve the unique character of the State Street Corridor.
 - ii. Complement the existing pattern of buildings. Development should rely on found character, not imported character. Structures should be designed and developed or redeveloped to complement architecture, mass and bulk of the area surrounding it.
 - iii. Enhance the pedestrian orientation of the State Street area and the Saginaw Township community and encourage streetscape design that is inviting and on a human scale as well as ensuring consistent pedestrian connections throughout the area.
 - iv. Communicate the community's vision for the State Street area.
- b. Scope. The standards outlined apply to all developments excluding single-family and two-family developments including:
- i. All newly constructed buildings.
 - ii. All exterior building and improvements which require a building permit (only standards applicable to the changed element apply).
 - iii. Renovation of a structure that requires site plan review or administrative site plan review.
- c. Landscaping Standards.
- i. Shredded, hardwood mulch, a minimum of three inches in depth, should be placed in defined beds.
 - ii. All beds shall be defined with plastic or metal edging.
 - iii. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonable complete coverage after one complete growing season. A growing season is defined as May—November.
 - iv. Annual, plastic, or other non-living plant material shall not be considered acceptable to meet the landscaping requirements of the ordinance.
- d. East State Street (Hemmeter Road to City of Saginaw). The standards for development in this area are designed to preserve and protect the strong residential neighborhoods in Saginaw Charter Township. This business district is intended to provide a visual and physical buffer from more intense commercial activity further west on State Street and to provide complimentary and needed services, office uses and development that is in appearance, cohesive and complimentary to the surrounding residential character. Stone shall be incorporated into the building or incorporated within a site as detailed in the state street corridor design guide.
- i. Building placement.
 - a. Front yard setback: The front yard setback shall be 15 feet from the proposed right-of-way as determined by Section 303.2. Parking shall not be the dominant feature of the site.
 - b. Side yards shall be a minimum of ten feet inclusive of parking.
 - c. Rear yard setback inclusive of parking shall be a minimum of ten feet unless adjacent to a residential district. When adjacent to a residential district, the side and rear yard of a nonresidential use which abuts a residential district shall be landscaped to provide a visual screen between districts. The extent of the screening shall be based on the distance between the parking area and/or the building to the property line, with the exception that the planning commission

may require additional screening from parking areas and headlights if trespass by lighting or vehicle headlights is a concern:

- i. Fifty feet or more from building and/or parking area to the nearest residential property line, a buffer of maintained and seeded lawn is required along with one tree or two shrubs for each 30 lineal feet.
 - ii. Thirty feet but less than 50 feet from building and/or parking area to the nearest residential property line, a buffer of maintained and seeded lawn or ground cover with three-foot tall berm with a slope no greater than 3:1 with two trees or four shrubs installed within said buffer for each 30 lineal feet.
 - iii. Fifteen feet but less than 30 feet from building and/or parking area to the nearest residential property line, an opaque fence six feet in height with one tree or two shrubs shall be planted every 30 lineal feet.
 - iv. A minimum of ten feet but less than 15 feet from building and/or parking area to the nearest residential property line, a buffer screen no less than five feet in width and six feet in height shall be established, consisting of tree plantings, hedges, and an opaque fence or wall that is consistent with the materials and colors used on site.
- ii. Building design guidelines. For all new buildings or redevelopments:
- a. Building facades are considered the public faces of buildings. All four sides of the building must be addressed with consistent architecture.
 - b. All buildings should have a "porch" or other such entrance that functions as a porch. It shall be a minimum of five feet wide.
 - c. Building owners are encouraged to place planters and window boxes with flowers or climbing vines within 12 inches of the building façade and plantings along the private walk leading to their "front door."
 - d. All mechanical equipment, including roof top equipment, shall be screened from view.
 - e. Accessory structures are permitted however; they must be consistent in architecture and size and mass with the principal building.
- iii. Articulation and fenestration.
- a. Each entry shall be the primary focus of the building.
 - b. Windows should be used in such a way as to provide visual interest to the building as a whole as well as to pedestrians. Banding of windows on second floors is encouraged.
- iv. Windows and transparency.
- a. Windows shall be clear, not tinted, mirrored or frosted, except that specialty windows (stained, etched, or other such similar treatments) are permitted at a maximum of one per façade face.
 - b. Privacy can be achieved through the use of curtains or screening in appropriate locations, however, each business shall have a minimum of 50 percent of the store front windows "active" with displays, painted signage (limited to 80 percent of the window) or other such similar effect.

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- v. Roof type. A minimum 6/12 pitched roof is preferred and structures that provide for two roof elevations (structure and porch) are encouraged.
 - vi. Materials. Natural materials, such as natural brick and stone, are encouraged.
 - vii. Entry.
 - a. Entry ways shall be the primary focus of all buildings.
 - b. Functional doorways should be included in the rear of the building so that necessary loading and unloading can take place.
 - viii. Height.
 - a. All new buildings shall have a minimum height of 18 feet.
 - b. No building shall be greater than two stories or 27 feet, except that structural appurtenances shall be permitted to exceed the height limitations when they are ornamental in purpose, such as steeples, belfries, cupolas, ornamental towers provide that such structural elements do not exceed 20 percent of the roof area.
 - e. Streetscape design guidelines. All new developments and redevelopments shall require installation of streetscape design elements; either two elements from Option A or one element from Option B. All elements must be maintained in perpetuity and of a type and style specifically approved by the planning commission.

Option A (choose two):

- Low (12 inches to three feet in height) fence and landscaping
- Bench
- Potted plants

Option B (choose one):

- Stone knee wall (minimum 12 feet in length)
- Stone columns with minimum ten feet of fencing
- Stone columns with associated landscaping

- f. West State Street. The standards for this section of State Street are meant to permit a wide variety of more intense commercial and multiple-family housing developments. The township acknowledges that this level of intense development typically requires more parking, flexibility in parking standards and creative ways to screen parking and encourage pedestrians. Stone shall be incorporated into the building or incorporated within a site through the placement of large stones and outcroppings or as otherwise approved by the planning commission.
 - i. Building placement.
 - a. Front yard setback: The front yard setback shall be 30 feet from the proposed right-of-way as determined by Section 303.2. unless the applicant seeks one of the alternatives detailed below:
 - i. For a setback a minimum of 30 feet but more than 20 feet; the applicant may choose one of the following elements:
 - a. Stone columns and fencing.

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- b. Fencing (no less than 20 lineal feet) and a coordinated approved landscaping plan.
 - c. Stone columns at key entrances with coordinated and approved landscaping.
 - ii. For a setback less than 20 feet but more than ten feet; the applicant may choose one from each of the following groups:
 - a. Group 1:
 - i. Stone columns and fencing.
 - ii. Fencing (no less than 20 lineal feet) and a coordinated approved landscaping plan.
 - iii. Stone columns at key entrances with coordinated and approved landscaping.
 - b. Group 2:
 - i. Bench as approved by the planning commission.
 - ii. Two planters maintained with plantings, as approved by the planning commission.
 - iii. Trash can as approved by the planning commission.
 - iii. For a setback less than ten feet but at least five feet; the applicant may choose any four elements from the list below:
 - a. Stone columns at key locations with an approved associated landscaping plan.
 - b. Fencing with associated landscaping as approved by the planning commission.
 - c. Street trees planted in grates with an expanded sidewalk.
 - d. A knee wall of decorative stone, at key locations, at least 12 feet in length.
 - e. A bench and trash can as approved by the planning commission.
 - f. Planters (maintained with plantings) at key locations as approved by the planning commission.
 - g. Public art, as specifically approved by the planning commission, to be maintained in perpetuity.
 - h. A quasi, outdoor/public space, at least 400 square feet in size, as approved by the planning commission.
 - b. Parking shall not be the dominant feature of the site.
 - c. Side yards are not required unless adjacent to residential development. Parking lots shall provide a minimum five-foot separation unless there is an executed mutual access easement agreement.
 - d. Rear yard setback is 30 feet, excluding parking which shall be a minimum of five feet unless adjacent to a residential district. When adjacent to a residential district, the side and rear yard of a nonresidential use which abuts a residential

district shall be landscaped to provide a visual screen between districts. The extent of the screening shall be based on the distance between the parking area and/or the building to the property line, with the exception that the planning commission may require additional screening from parking areas and headlights if trespass by lighting or vehicle headlights is a concern:

- i. Fifty feet or more from building and/or parking area to the nearest residential property line, a buffer of maintained and seeded lawn is required along with one tree or two shrubs for each 30 lineal feet.
 - ii. Thirty feet but less than 50 feet from building and/or parking area to the nearest residential property line, a buffer of maintained and seeded lawn or ground cover with three-foot tall berm with a slope no greater than 3:1 with two trees or four shrubs installed within said buffer for each 30 lineal feet.
 - iii. Fifteen feet but less than 30 feet from building and/or parking area to the nearest residential property line, an opaque fence six feet in height with one tree or two shrubs shall be planted every 30 lineal feet.
 - iv. A minimum of ten feet but less than 15 feet from building and/or parking area to the nearest residential property line, a buffer screen no less than five feet in width and six feet in height shall be established, consisting of tree plantings, hedges, and an opaque fence or wall that is consistent with the materials and colors used on site.
- ii. Building design guidelines. For all new buildings or redevelopments:
- a. Building facades are considered the public faces of buildings. All four sides of the building must be addressed with consistent architecture.
 - b. Walls greater than 50 feet in length shall be effectively broken down through a change in surface, a change in materials or additional landscaping so as to reduce the perceived scale and mass of the wall.
 - c. All mechanical equipment, including roof top equipment, shall be screened from view.
 - d. Planters with landscaping are encouraged at key locations at and around the primary entrance to the building.
- iii. Articulation.
- a. Each entry shall be the primary focus of the building.
 - b. Windows should be used in such a way as to provide visual interest to the building as a whole as well as to pedestrians.
 - c. Large scale developments, such as strip malls and shopping centers are required to provide a façade and design that allows distinctions between individual storefronts.
 - iv. Windows and transparency:
 - a. The front façade of a structure shall be a minimum of 40 percent transparent, meaning a combination of doors and windows. Windows shall be clear, not tinted, mirrored or frosted, except that specialty

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- windows (stained, etched, or other such similar treatments) are permitted at a maximum of one per façade face.
- b. Care should be taken to place windows around the perimeter of the building unless not feasible due to interior layout or use. If the installation of windows is deemed not feasible by both the developer and the zoning administrator, additional architectural and/or landscaping detail is required along said façade.
 - v. Roof type. There is no specific type of required roof type or pitch, except that creativity and quality design is encouraged. Large scale developments, such as strip malls and shopping centers are required to provide a façade and overall design that allows distinction between and among individual storefronts.
 - vi. Materials. Natural materials, such as natural brick and stone, are encouraged. Manmade materials are discouraged, especially on the first floors. Color schemes should be selected that enhance and compliment the materials selected.
 - vii. Entry:
 - a. Entry ways shall be the primary focus of all buildings.
 - b. Functional doorways shall be included along storefronts and other developments whenever possible.
 - viii. Height. Buildings shall have a minimum height of 18 feet.
- g. Performance standards. In order to permit a wide range of uses and provide for creativity and flexibility for developers and the township, while still preserving the character and identity of Saginaw Charter Township, the following performance standards shall apply to all uses within the state street corridor:
- i. All outdoor lighting shall be limited to 15 feet in height when located 300 feet from a residentially zoned district. Fixtures should be of a "cut off" type and there should be zero foot candles measured at the property lines.
 - ii. Dumpster unloading, parking lot cleaning, and similar building or site maintenance shall not take place before 7:00 a.m. nor after 10:00 p.m., excepting that snow plowing is permitted during all hours.
 - iii. No use is permitted which creates a noise level greater than which is allowed in by the noise ordinance when measured from the nearest residential property line. The planning commission may require details of operation and a map showing the areas affected by potential noise.
 - iv. No use is permitted which emits smoke, soot or noxious fumes or odors excepting smoke or odors which are typically associated with restaurants and food service establishments.
 - v. Emergency road and utility repairs, road cleaning, snow plowing and other such similar work conducted by the township, county and/or its agents operated within the road or road right-of-way shall be exempt from these standards. Additionally, sirens used by public safety agencies are exempt as well.
 - vi. Any use that evolves into a nuisance, resulting in police, fire or other such calls that exceeds by 50 percent similar uses in the township, the property owner/operator shall be issued a civil infraction as permitted in the township's general ordinance.

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9. *Administration of the design guidelines.* The design guidelines in this section are to be used as guides for the township planning commission when reviewing site plans and special land use for multiple family, institutional, commercial and manufacturing uses.
- a. Flexibility of the guidelines. Because not every development may be able to meet each specific design guideline, the guidelines were written to be flexible, to expand and contract, to fit the development and achieve the intent of the master plan.
 - b. Applicable to all developments. Although not all developments will meet all of the guidelines, each new or redevelopment project in the area should meet most of the design guidelines. Minor changes to existing developments need not comply with the design guidelines. Minor changes are defined as those changes which do not structurally alter the building or site layout. The township encourages all changes in structures, uses and site design, regardless of how minor, to attempt to meet the intent of this Ordinance. All changes in use shall comply with the intent and purpose of these design guidelines. Any addition to a structure, parking area, or other significant site features is required to meet these design guidelines.

(Ord. No. 675, 10-25-2004; Ord. No. 691, 7-10-2006; Ord. No. 703, 9-8-2008; Ord. No. 735, 12-16-2013)

Sec. 315. Prohibition of (recreational) marihuana establishments.

- A. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts except for marihuana safety compliance facilities as regulated by this section.
- B. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of the ordinance codified in this section, shall be deemed to have been a legally established use under the provisions of the Saginaw Charter Township Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- C. Violations of this section are subject to the violations and penalties pursuant to Section 2301 of Chapter 23 and may be abated as nuisances.
- D. This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through Saginaw Charter Township to the extent provided by the Act, and does not supersede rights and the regulations with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.

(Ord. No. 758 , § 1, 2-11-2019; Ord. No. 779 , 11-8-2021)

CHAPTER 4. GENERAL OFF-STREET PARKING AND LOADING²

²Editor's note(s)—Ord. No. 750, adopted Nov. 28, 2016 , deleted Ch. 4 and added provisions to be a revised Ch. 4. Former Ch. 4 pertained to the same subject matter, consisted of §§ 401—407, and derived from Ord. No. 630, adopted Mar. 25, 2002; Ord. No. 703, adopted Sept. 8, 2008; and Ord. No. 744, adopted Jan. 11, 2016 .

Cross reference(s)—Traffic and vehicles, ch. 74.

Sec. 401. Purpose and intent.

It is the purpose and intent of this Ordinance that off-street parking and loading areas be provided and adequately maintained by each property owner in every zoning district for the purposes of promoting safe and efficient off-street storage of motor vehicles; and to provide for sound and stable environmental conditions and the prevention of future blighted areas.

(Ord. No. 750, 11-28-2016)

Sec. 402. Off-street parking and loading general requirements.

1. *Parking and loading requirements.* In all zoning districts, off-street parking and loading requirements shall be provided in amounts not less than specified for the various land uses listed in section 404.
2. *Requirements for a use not mentioned.* Requirements for a use not mentioned shall be determined by the zoning administrator based upon those uses which are most similar to the use not listed. The zoning administrator may consider, but is not limited to, the following in establishing parking requirements for a use not mentioned:
 - A. Documentation supplied by the applicant regarding actual parking demand for the proposed use; or
 - B. Evidence available in planning and technical studies relating to the proposed use; or
 - C. Required parking for the proposed uses determined by other comparable jurisdictions.
3. *Increase in floor area, building use capacity, intensity of use or change in use.* Additional parking shall be provided and maintained in proper ratio to any increase in floor area, building use capacity or intensity of use.
4. *More than one use on property.* In the event a building or parcel of land is occupied by more than one land use, the total requirements for off-street parking and loading shall not be less than the sum of the requirements for the individual buildings or uses computed separately.

Exception: reductions made in conjunction with [sub]section 402.10. of this section.

5. *Use of off-street parking.* It shall be unlawful to use any off-street parking and loading area for purposes other than short-term parking of licensed vehicles or the loading or unloading of necessary service trucks. Commercial repair work, servicing, sales, display or storage of merchandise or equipment in any parking area is prohibited except where specifically permitted in this Ordinance. If permitted, such activity may not reduce the number of off-street parking spaces available below the number required by section 404.
6. *No parking on front lawn.* No portion of a front yard lawn area shall be used for parking.
7. *Maintenance of off-street parking areas.* All off-street parking and loading areas shall be maintained as follows:
 - A. Parking and loading areas shall be adequately maintained and kept free of litter, debris and trash.
 - B. Parking and loading areas shall be kept entirely clear of snow. Snow may be stored in a parking area provided adequate on-site parking is provided in an amount equal to that required for the use or uses of the parcel. A clear sight area must be maintained from the edge of the adjacent street as defined in section 405.5 herein. Snow may not be piled higher than three feet within the clear sight area.
 - C. Parking stalls shall be distinctly marked with painted striping or similar indicators.
 - D. The surface of all parking and loading areas shall be maintained in good condition so no holes, depressions or cracks exist greater than three inches in depth and/or six inches in width or length and

cracks of a width of one inch shall not interrupt more than ten percent of the surface area of any parking or loading area.

8. *Pedestrian walkways.* Where deemed necessary by the planning commission, walkways leading from parking areas, adjacent properties, and public sidewalks shall be installed to the principal building for the purpose of assuring pedestrians safe access to the site. All internal walkways shall conform to the following:
 - A. Must be paved with hard-surfaced material such as concrete, asphalt, stone, brick, tile, etc. Only nonskid paving may be used in walkway construction.
 - B. Must be curbed and raised at least six inches above the parking lot grade except where they cross driveways or aisles or where necessary to meet barrier free requirements.
 - C. Must be a minimum of five feet wide, exclusive of parked car overhangs. Where necessary to ensure five feet of unobstructed walkway, wheel stops are required.
 - D. Where pedestrian walks cross parking areas or automobile circulation lanes, the pedestrian walk must be defined by use of a contrasting material or marking, including, but not limited to, white concrete in an asphalt area, visually obvious paint stripes or other clearly defined pattern.
9. *Shared use of drives and/or parking.* The planning commission may require an access easement, development of a service drive or shared driveway to adjacent parking areas or parcels of land, to minimize the need for driveways and curb cuts to each use and thereby decreasing hazards to persons and vehicular traffic.
 - A. *Shared parking.* The planning commission may approve shared use of parking facilities located on separate properties if all of the following conditions are met:
 - i) A convenient pedestrian connection between the properties exists; and
 - ii) The properties are within 500 feet of each other; and
 - iii) The availability of parking for all affected properties is indicated by directional signs as permitted by the sign ordinance in chapter 5.
 - iv) The property owners shall provide parking spaces equal to the combined individual parking requirements stated in section 404, unless otherwise provided in [sub]section 402.10 [of this section] (reductions in parking requirements).
 - v) Prior to establishing shared use of parking, the property owner or owners shall file with the Saginaw Charter Township Community Development Department a written agreement providing for the shared parking use. The agreement shall be recorded on the title records of each affected property and shall be binding to future owners. Said agreement shall set forth terms for future maintenance and liability.
 - B. *Shared or joint driveway.* The planning commission may require adjacent property owners to share a driveway when it is determined it is in the best interest of the general public. Each property has a right to reasonable access. Reasonable access may not always be direct access, or may not be the number of access points requested by the developer or owner.
 - i) The planning commission, as part of a site plan review, may require the applicant to provide an easement to the township, which allows future access to the adjoining properties.
 - ii) The planning commission, as part of a site plan review, may require the applicant to construct a service drive leading to an adjacent property for the purpose of providing reasonable access to said property.
 - iii) Prior to establishing a shared or joint drive, the property owner or owners, shall file with the Saginaw Charter Township Community Development Department a written agreement providing

for the shared or joint drive. The agreement shall be recorded on the title records of each affected property and shall be binding to future owners. Said agreement shall set forth terms for future maintenance and liability.

10. *Reductions in parking requirements.* Parking requirements may be reduced in the following situations:
- A. *Establishment of a joint or shared driveway.* Where two or more abutting parcels in any B or M zoning district share a driveway complying with [sub]section 402.9 [of this section], each parcel is entitled to a ten-percent reduction in the amount of parking spaces required. This decrease is in addition to reductions allowed by other provisions of this section.
 - B. *Reductions for further public benefits.* In any B or M zoning district, the parking requirement for a parcel fronting on a county primary or state highway, other than an expressway, may be reduced by ten percent, in addition to other reductions allowed by this section, if three of the below-listed conditions are met:
 - i) No driveways open onto the major road.
 - ii) Installation of a walkway connection between public sidewalks and the buildings main entrance.
 - iii) A service drive and sidewalk is constructed between parking areas, allowing travel between parcels without the use of a public street.
 - iv) Shared parking is established in conformance with [sub]section 402.9 [of this section].
 - v) Acceleration and/or deceleration lanes are provided on the major road for the right turns in and out of any driveway into the parcel, and a separate left turn lane is also provided.
 - C. *Exceptions.* Maximum ten percent cumulative reduction for restaurants.

(Ord. No. 750, 11-28-2016)

Sec. 403. Site development and construction requirements.

- 1. *Permit.* A zoning permit shall be required for the construction or expansion of any parking or loading area regardless of whether such parking area is in conjunction with the construction of a structure. The applicant shall submit a written plan to the zoning administrator, along with an application for a zoning permit. Such plan shall conform to the following standards:
 - A. The plan shall be to scale (1" = 20' no larger than 1" = 40') and contain the following information:
 - i) Boundary lines of the property involved.
 - ii) Location and size of any existing or proposed structures.
 - iii) Number and dimensions of existing and proposed parking spaces, ingress, egress and circulation drives, berms, landscaping and screening structures, drainage features.
 - iv) Existing or proposed use of the property.
 - B. All parking lot plans shall be reviewed and approved by the township engineer for compliance with the township's storm water management ordinance.
- 2. *Parking area and circulation design requirements for all uses except one- and two-family residential uses.* All ingress, egress and circulation drives shall be paved with concrete, plant mixed asphalt or similar material; and shall be graded and provided with adequate drainage to dispose of all collected surface water within a reasonable period of time.
 - A. *[Surfacing requirements.]* Parking and loading area surfacing shall conform to the following with either:

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- i) Six inches of cement concrete; or
 - ii) Two inches of asphalt surface lay over a base of stone with a compacted thickness of six inches.
- B. *Size of spaces.*
- i) Parking stalls shall be a minimum of nine feet wide and 18 feet long.
 - ii) Parallel parking spaces must be a minimum of nine feet wide and 22 feet long.
 - iii) Barrier free parking stalls must be a minimum of eight feet wide and 18 feet long with an adjacent clear space provided that measures five feet wide and 18 feet long.
 - iv) Loading areas shall be a minimum of ten feet wide, 25 [feet] long and 15 feet in height to provide adequate clearance. They must be located either within a building or outside on the same lot and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.
- C. *Perimeter edges.* Concrete curb and gutter shall be required for parking lots containing more than 50 spaces that serve commercial, industrial or institutional uses. The purpose of the curb and gutter is to control storm water flow from the parking area and to protect landscaped areas such as landscaped islands and other plantings.
- i) Parking areas containing 50 spaces or less shall have bumper guards or wheel stops installed along the perimeter of the parking lot to prevent yard encroachments.
 - ii) Concrete curb and gutter shall be a minimum of six inches in height from the grade of the parking area or drive.
 - iii) The perimeter of landscaped islands within parking areas shall also be developed with curbs as required above.
 - iv) All access driveway openings shall be defined with a six-inch raised curb around the entire radii to the front lot line or proposed right-of-way line as listed under section 303.2, whichever is the greater distance from the centerline of the roads.
- D. *Ingress, egress and circulation drives.* To provide for the safe ingress, egress and circulation of vehicles and pedestrians within parking areas and on adjacent streets and properties, all ingress, egress and circulation drives shall be developed in conformance with the following:
- i) The location of driveways, entrances and exits shall be subject to the approval of the zoning administrator, or planning commission when site plan review by that body is required, after consideration of the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
 - ii) Drives for ingress or egress shall not be less than 25 feet from any adjacent lot or parcel within a residential district and ten feet from any side or rear property line of other uses.
 - iii) Ingress and egress drives shall be limited and clearly marked. Each driveway opening to a public street must be approved by the agency having jurisdiction over the street.
 - iv) Drives for ingress, egress and circulation shall not be less than 20 feet in width, except that drives for one way traffic flow may be 15 feet in width with the approval of the fire department.
 - v) Every legal parcel of land is entitled to reasonable access to public streets. Where such access is not provided by way of an existing proposed service drive or access drive, cross or access easement or joint drive, one driveway may be permitted directly onto a public street. The planning commission may permit additional access drives consistent with the standards for site review. When necessary for safe ingress and egress of vehicles, the planning commission may

require acceleration, deceleration, turn or passing lanes and any other similar improvement to be installed at the expense of the developer or property owner. The standards for driveway development shall be as stated in the rules for driveways promulgated by the Michigan Department of Transportation and the Saginaw County Road Commission. The planning commission may require dedication or reservation of land for future service or access drives, joint driveways or cross or access easements at the time of rezoning of a parcel, or site plan or plat approval.

- E. *Driveway spacing.* Each parcel shall have no more than one driveway entrance and exit opening to any public street for each 300 feet of frontage, or fraction thereof. Where more than one driveway is allowed, they shall be located at least 150 feet apart. No driveway shall be located within 50 feet of a street intersection. Exceptions may be made by the planning commission if the applicant can demonstrate that one driveway is insufficient for the proposed use.
- F. *Service drives.* In the interest of public safety, a frontage or service road may be required along major streets as shown on the township's road designation map. The following minimum standards shall be utilized in design and construction of frontage roads:
 - i) Minimum width: 24 feet. The planning commission may approve a 20-foot wide service drive if it can be demonstrated that a parcel has physical constraints that make it difficult to establish a 24-foot wide service drive.
 - ii) Service drives shall be setback a minimum of 20 feet from the right-of-way or proposed right-of-way, whichever is greater.

Exception: Access management plans adopted by the planning commission may be implemented as approved.

- 3. *Yard requirements.* Parking and loading areas and interior circulation drives shall not be located within any road rights-of-way as described under section 303.2 and, further, parking, loading and drive areas shall conform to the front and street side yard requirements of the zoning district in which the property is located unless otherwise provided herein. Parking lots, loading areas and circulation drives shall be located a minimum of 30 feet or the required setback of the zoning district in which the property is located, whichever is greater, from any road right-of-way as described under section 303.2. However, the setback may be reduced to 20 feet by the planning commission through the site plan review process for commercial B and industrial M districts only if it does not create a safety issue, it does not encroach upon or obstruct the clear sight distance for corner lots as defined by section 405.3 and a three-foot tall landscaped berm is constructed within the front yard between the road right-of-way and the parking lot. The height of said berm shall be measured from the grade of the adjoining parking lot. Furthermore, the slope of the berm shall not exceed one vertical for every three horizontal.

Exception: Access management plans adopted by the planning commission shall be implemented as approved.

- A. *Parking lot, loading areas and circulation drives.* All parking lots, loading areas, and circulation drives shall comply with all applicable setback and buffer yard requirements stated herein. However, along interior side property lines and rear property lines where no other setback rule is specifically stated, such paved areas must be a minimum of five feet from the property line. An exception may be permitted by the planning commission if two or more parking lots are connected to essentially function as a single parking area. Also, a legally binding agreement must be recorded to ensure continued use of the parking as such (i.e., cross easement). The five-foot separation strip shall consist of natural plantings and grass with curb as a preferable border.
- B. *Building perimeter and landscaping.* Parking and loading areas and circulation drives shall be no closer than five feet to any building or structure. Within said five feet a raised sidewalk shall be constructed where it is expected that pedestrians may travel. Otherwise, said five-foot requirement may consist of

a raised landscaped area. A minimum of 50 percent of this landscaped area, at time of planting, shall be planted with grass, ground cover, shrubs, or other living vegetation.

- C. *[Buffer yards.]* Where a parking area or circulation drive of three spaces or more is within 40 feet of an adjoining residentially zoned district or lot there shall be installed and maintained a buffer yard along the adjoining property and within said buffer yard shall be developed either of the following:
- i) A planting strip containing approved plant materials as listed in section 405 of this Ordinance at a density of ten plants per 100 lineal feet of buffer yard and at a height of five feet at time of planting. The buffer yard shall be a minimum width of ten feet.
 - ii) A masonry wall or uniformly treated wood fence not less than five feet tall. The buffer yard shall be a minimum of five feet in width. Said buffer yard shall be of such length as the width or length of the parking area.

4. Single-family and two-family parking requirements.

- A. A maximum of a 400 square-foot parking area per dwelling unit may be located in the required front yard of any single- or two-family residential use. Necessary driveways for single- or two-family uses providing access to the dwelling unit from a public street may be permitted within the setback areas and may be used for residential parking purposes. The 400 square-feet is in addition to the square footage occupied by the necessary driveway.
- B. Off-street parking for one- and two-family residential uses shall have a durable, smooth and dustless surface consisting of asphalt, concrete, crushed stone or similar surface as approved by the zoning administrator. Any such area shall be graded so that surface water drains away from adjacent lots.

(Ord. No. 750, 11-28-2016)

Sec. 404. Off-street parking requirements.

- 1. For the purposes of this section, the following shall apply:
 - A. *Floor area.* Unless otherwise specified, where floor area is the unit for determining the required number of parking spaces, the [term] "unit" shall mean gross floor area. [The term] "useable floor area" shall mean the floor area used for service to the public and shall not include floor area used for storage or the processing and packaging of merchandise where it is undertaken in a room in which service to the public is not involved.
 - B. *Beds.* For hospitals, bassinets shall not be counted as beds.
 - C. *Places of assembly.* For churches, sports arenas and other places of assembly in which those in attendance occupy benches, pews or similar facilities, each 20 inches of such seating shall be counted as one seat.
 - D. *Employees.* For requirements stated in terms of employees, the calculation shall be based on the maximum number of employees on the premises during the largest shift.
 - E. *Fractions.* When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall be counted as one additional space.
 - F. *Outdoor seating.* Square footage occupied by outdoor seating areas shall be calculated at 50 percent the typical required amount for that use. Outdoor seating areas that can be enclosed or utilized off-season shall be calculated at the full amount of required parking for that use.

2. The minimum number of off-street parking spaces shall be determined in accordance with the following schedule:

Minimum Number of Standard Off-Street Parking Spaces per Use

		UNIT OF MEASURE
RESIDENTIAL		
A.	One- and two-family	Two for each dwelling unit
B.	Multiple-family	Two for each dwelling unit
C.	Mobile home parks	Two for each mobile home or mobile home site
D.	Bed and breakfast establishments	Two, plus one for each rental room
INSTITUTIONAL		
E.	Churches, temples or similar uses	One for each five seats or 8.5 linear feet of pews in the main room for worship
F.	Hospitals	One for each patient bed, plus one space for each 200 square feet of outpatient service area
G.	Homes for the aged, nursing and convalescent homes	One space per four patient beds, plus one space for each employee
H.	Senior citizen housing	One space per two living units, plus one for each employee
I.	Preschool child care, nursery schools and day nurseries	One space for every six children and one for each employee
J.	Elementary and junior high schools	One for each teacher and administrator in addition to the requirements of the auditorium
K.	Senior high schools	One for every one teacher and administrator and one for each ten students, in addition to the requirements
L.	Lodge halls, meeting halls and community centers or buildings of similar use without fixed seats	One for each three persons of legal capacity as established by the township fire or building codes
M.	Libraries, museums, and post office buildings	One for each 600 square feet of gross floor area, plus one space for each employee
N.	Theaters and auditoriums	One for each three seats
O.	Stadium, sports arenas or similar places of outdoor assembly	One for each three seats and one for each one employee
BUSINESS/COMMERCIAL		
P.	Auto wash	One for each one employee, in addition, adequate waiting space for autos shall be provided on the premises to accommodate 50 percent of the hourly rate for each automatic wash line and four for each washing stall for a self-service wash
Q.	Establishments for sale and consumption on the premises of beverages, food or refreshments	13 for each 1,000 square feet of gross floor area
R.	Drive-in restaurants or similar drive-in uses for the sale of beverages, food or refreshments	One for each 15 square feet of floor area
S.	Carry-out restaurant (less than six tables and/or booths)	Six spaces plus one space for each employee on peak shift
T.	Drive-through business such as banks and fast [food] restaurants	Three stacking spaces for each drive-in window in addition to normal parking

U.	Furniture and appliances, household equipment sales, repair shops, showroom feet of decorator, electrician or similar trade, shoe repair and other similar uses	1.5 for each 1,000 square [feet] of gross floor area
V.	Convenience grocery, self-service food or beverage	Three for each 1,000 square feet [of gross floor area]
W.	Automobile service stations	Two for each one service stall each, or pit, and one for each one gasoline pump
X.	Laundromats and coin-operated dry cleaners	One for each two washing machines
Y.	Mortuary establishments	One for each 50 square feet of gross floor area
Z.	Motel, hotel or other commercial lodging establishments	One for each one occupancy unit, plus one for each one employee, plus extra spaces for dining rooms, bathrooms, or meeting rooms as otherwise provided in this section
AA.	Motor vehicle sales and service establishments	Five for each 1,000 square feet of gross floor area of sales area, plus one for each one auto service stall
AB.	Open air businesses	Two for each 1,000 square feet of gross floor area
AC.	General retail	One space per 250 square feet
AD.	Commercial retail centers, supermarkets, shopping malls	For centers less than 50,000 square feet: One space for each 250 square feet of GFA For centers between 50,000 square feet and 450,000 square feet of GFA: One space for each 300 square feet of GFA For centers greater than 450,000 square feet of GFA: One space for each 350 square feet of GFA
AE.	Blood plasma donation center	One space for each collection station, one space for each person permitted to occupy the waiting area, and one space for each employee in the largest working shift. The zoning administrator shall review the proposed floor plan for the plasma center and may require additional parking for processing rooms/booths, staging and testing areas, etc.
OFFICES		
AF.	Banks	Four for each 1,000 square feet of gross floor area
AG.	Business or professional offices, except as otherwise provided	Five for each 1,000 square feet of gross floor area
AH.	Professional offices of medical, dental or similar professions	Six for each 1,000 square feet of gross floor area
AI.	Public office building not otherwise specified	Four for each 1,000 square feet of gross floor area
AJ.	Beauty, barber or tanning	Two spaces for each work station or tanning booth
INDUSTRIAL		
AK.	Manufacturing or research establishments	Three for each 1,000 square feet of gross floor area
AL.	Warehousing or wholesale establishments	One space per 10,000 square feet of gross floor area plus one space per every one employees on the largest shift

AM.	Mini-warehouse	One unobstructed parking space for each ten storage units
AN.	Contractor's establishments	One space per employee plus parking for accessory uses
ENTERTAINMENT/RECREATION		
AO.	Assembly buildings without fixed seats, for commercial recreation, including dancehalls, pool or billiard parlors, skating rinks, and exhibition or buildings for similar assembly use	15 for each 1,000 square feet of gross floor area
AP.	Health clubs, swimming pool clubs, tennis clubs or similar uses	Six for each 1,000 square feet of gross floor area
AQ.	Golf courses	Four for each one golf hole and one for each one employee
AR.	Driving ranges	One for each ten lineal feet of driving range width at the point which golf balls are driven
AS.	Bowling alleys	Five for each one bowling lane
AT.	Miniature or par-3 golf courses	Three for each one hole, plus one for each one employee
AU.	Shooting range	One and one-half for each shooting position/alley, plus one for each employee on the largest typical shift

3. *On-street parking.* Requests for on-street parking shall be specifically approved by the Saginaw County Road Commission and the Saginaw Charter Township Planning Commission. Any approved on-street parking shall be designed to consider the requirements for snow removal, paid for and constructed by the developer and constructed to the specification of the Saginaw County Road Commission.

(Ord. No. 750, 11-28-2016)

Sec. 405. Parking area landscaping requirements.

1. *Intent.* Landscaping is intended to provide a visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevations.

Recognizing that the preservation or installation of vegetative cover promotes the health, safety and general welfare by aiding in the stabilization of the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge and stormwater runoff retardation while at the same time aiding in noise, glare and heat abatement, the following requirements for the landscaping of parking and outdoor display areas are enacted.

2. *Interior landscaping.* Landscaping required or installed within a parking area shall be designed to control traffic, provide shade, screen views into and within vehicular use areas, and separate the parking circulation, and service areas, in accordance with the following provisions.

- A. *Required amount.*

- i) If the parking area contains no more than 50 parking spaces, at least 16 square feet of planting area must be provided as described in [sub]section 405(B) of this section for each parking stall proposed.

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- ii) If the parking area contains more than 50, but less than 100 parking spaces, at least 20 square feet of landscape development must be provided as described in [sub]section 405.B of this section for each parking stall proposed.
 - iii) If the parking area contains more than 99 parking spaces, at least 25 square feet of landscape development must be provided as described in [sub]section 405.B of this section for each parking stall proposed.
- B. *Design.* The landscaping requirements listed in [sub]section 405.2[A.] [of this section] shall be incorporated into the site in the manner described below:
- i) For parking calculations less than or equal to 128 parking spaces, a minimum of one tree and two shrubs or two treelike shrubs and two shrubs for each four parking spaces must be evenly dispersed throughout and around the perimeter of the parking, display or storage area and/or in the setback area as shown on a plan approved by the zoning administrator. When the parking calculation exceeds 128 parking spaces, any additional spaces will be calculated at a minimum of one tree and two shrubs or two treelike shrubs and two shrubs for each 16 parking spaces. All plant materials required by the sections [this subsection] shall conform to the standards of section 303(4)(b), (c), and (d).
 - ii) The remaining ground area must be landscaped with plant materials, decorative mulch or unit pavers.
 - iii) A landscaped area must be placed at the interior end of each parking row in a multiple lane parking area. This area must be at least four feet wide and must extend the length of the adjacent parking stall.
 - iv) For sites that have parking calculations greater than 300 parking spaces, the planning commission may grant approval to deviate from the required landscaping by up to 50 percent.
3. *Clear sight distance.* When an ingress or egress drive intersects a public right-of-way or when the subject property abuts the intersection of two or more public streets, all landscaping within the triangular areas described below shall provide unobstructed cross visibility at a level between three feet and eight feet. Landscaping, except grass or ground cover, shall not be located closer than three feet from the edge of any ingress or egress drive pavement. The triangular areas referred to above are:
- A. The areas of property on both sides on an ingress or egress drive formed by the intersection of each side of the drive and the public street with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two ten-foot sides.
 - B. The area of property located at a corner formed by the intersection of two or more public road rights-of-way with two sides of the triangular area being 30 feet in length along the abutting public rights-of-way and the third side being a line connecting the ends of the two 30-foot sides.
4. *Maintenance of landscaping.* The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Dead, diseased, or missing vegetation shall be replaced within 30 days, or as soon as weather permits.

(Ord. No. 750, 11-28-2016)

Sec. 406. Street trees.

Street trees shall be required for all commercial, institutional and high density residential uses. The following minimum standards shall be utilized for street tree plantings:

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1. Location. Street trees shall be placed behind the right-of-way line or proposed right-of-way line, whichever is greater. In no case shall any street tree be placed closer than four feet to a sidewalk or bike path.
 - A. Street trees shall be spaced every 30 feet on center.
 - B. An approved corridor landscape plan adopted by the planning commission shall take precedence over the spacing requirement stated in [subsection] 406.1.A. [of this section].
 2. Tree size. Street trees shall be at least 2½ inches in diameter and six feet in height at time of planting.
 3. Tree type. Street trees shall conform to the standards listed in section 303.4(b), (c) and (d) of the Zoning Ordinance. Further, street trees shall be selected so that they are hardy to the climate and their location. Street trees, and the trees throughout the site, shall be selected so that there is not an abundance of a certain species.
 - A. An approved corridor landscape plan adopted by the planning commission shall take precedence over the standards listed in section 303.4(b), (c) and (d).
 4. Trees required under section 405.2 may be used to satisfy this requirement.

(Ord. No. 750, 11-28-2016)

Sec. 407. Loading area requirements.

In order to prevent undue interference with public use of streets and alleys, property owners who customarily receive or distribute goods by motor vehicle shall provide on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

1. Every building housing such a use and having over 500 square feet of gross floor area shall be provided with at least one truck standing, loading and unloading space on the premises, not less than ten feet in width, 25 feet in length and 15 feet in height. One additional truck space of these dimensions shall be provided for every additional 120,000 square feet or fraction thereof [of] gross floor area in the building.
2. Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley, or from any right-of-way that will not interfere with public convenience, and that will permit orderly and safe movement of truck vehicles.

(Ord. No. 750, 11-28-2016)

Sec. 408. Flexibility in application.

1. The township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.
2. The township may grant deviations from off-street parking requirements. These deviations may require more or less parking based upon a finding that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. In the event that a deviation is granted, the following shall apply:

- A. An applicant may request a parking deviation as part of a development application or as a separate and distinct action with no other concurrent request.
- B. The applicant shall provide a parking study with adequate detail and information to assist the township in determining the appropriateness of the request.
- C. The township may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.

(Ord. No. 750, 11-28-2016)

Sec. 409. Lighting.

- 1. *Lighting of off-street parking areas.* Off-street parking areas shall be lighted in accordance with a plan as approved by the township planning commission.
 - A. The maximum height of a base, a pole, and fixtures shall be 25 feet. Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards to motorists.
 - B. The maximum intensity of light within any site shall not exceed the following standards:

Light intensity	Maximum (foot-candles)
At any point within the site	12.0*
Average for the overall site	6.0*
At any lot boundary or road right-of-way line	1.0

*Exception: Automobile service stations and similar uses as approved by the planning commission.

- C. Parking area lighting and other exterior on-site lighting fixtures shall not exceed a height of 15 feet when located within 200 feet of a residential dwelling or district. All exterior and parking lot lighting fixtures shall be so arranged or installed with reflectors so that light is deflected away from adjacent residential land uses and adjacent streets. Further, said exterior lighting within 200 feet of a residential zone/use shall have cutoff light fixtures and shall include the submittal of an acceptable lighting plan that designates zero foot-candles at the property line.
- 2. *Exceptions:*
 - A. Single-family and two-family duplexes.

(Ord. No. 750, 11-28-2016)

CHAPTER 5. SIGN REGULATIONS BY DISTRICT

Secs. 501—511. Reserved.

Editor's note(s)—Ord. No. 657, adopted Jan. 26, 2004, repealed §§ 501—511. For similar provisions, reader is directed to Ch. 48, §§ 48-1—48-14. See Code Comparative Table for history.

Sec. 512. Off-premises, outdoor advertising signs.

Off-premises, free-standing signs (advertising an activity, business, product, or service not sold or conducted on the premise upon which the sign is located) may be erected adjoining State Street (M-58) West of Berberovich Street, Midland Road (M-47), Bay Road (M-84), and I-675 in areas zoned B-3 (Commercial - Community Wide), B-3A (Commercial - Highway Service), B-4 (Commercial - General Intensive Business), M-1 (Science and Industry), and M-2 (Manufacturing) but not in areas zoned B-2 (Commercial - Neighborhood), R (Residential), FC-1 (Floodplain Conservation), A (Agriculture), or B-1 (Commercial - Office-Business) subject to the following conditions:

1. Off-premises signs shall not be located any closer than 5,000 feet to another off-premises sign on either side of the street.
2. Off-site signs may be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.
3. At the intersection of two streets, double-or single-faced signs at right angles to and, therefore, facing traffic on said street shall not be closer than 300 feet from the intersecting roads' nearest right-of-way.
4. In any permitted zones, off-premises signs shall not exceed 300 square feet of total area, per sign face.
5. Off-premises signs and sign structures shall be designed and constructed to meet the requirements of the state building code and state electrical code.
6. Off-premises signs and sign structures must be erected on structural or tubular steel supports. Where the back is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. All signs shall be on one pole except when multiple poles are required due to adjacent structures. No guy wires are permitted. The area around the off-premises sign structures shall be kept clean, and all scrub brush, tall grass, etc. shall be cleared away to a distance of at least five feet to the rear and side of the structure, as well as to the front property line, and if on a corner site to both property lines.
7. Upon seven workdays' notice of violation of the above provision, the township may take such action as necessary to bring the premise into compliance with this Ordinance, and the owners of said off-premises sign shall pay the township the costs thus incurred upon receipt of a statement from the township of the cost. Owner of such off-premises signs shall secure a business license and, in connection therewith, shall supply a bond to secure work which the township may perform as provided for above in such amount as determined by the sole discretion of the chief building inspector as shall reasonably cover the cost to maintain such sign during the year covered by the permit. Only one license shall be required although a number of different locations are involved, the township shall not be required to inspect any signs or perform any work referred to above and shall not be liable to any person for violation by the sign owner of this Ordinance.
8. No part of any off-premises sign structure shall be closer to any proposed right-of-way line than 30 feet.
9. No off-premises sign shall be less than ten feet or more than 30 feet above the existing grade at the site of the sign.
10. All off-premises signs shall be located no closer to a street than is provided by the building setback line.
11. No off-premises, outdoor advertising structure may be erected within 300 feet of any public park, recreation ground, lake, stream, school, church, or residential lot or zone located on the same side of the street.

12. No off-premises sign shall be located on a parcel on which there exists a violation of a township Ordinance, or an existing non-conforming use or sign. Parcel is defined as that property [on] which the off-premises sign is located, which shall include contiguously owned parcels by the property owner.

(Ord. No. 660, 2-23-2004)

PART II LAND USE DISTRICTS³

CHAPTER 6. DISTRICTS

Sec. 601. Division of the township.

For the purposes of this Ordinance, the township, excepting streets and alleys, is divided into the following zone districts:

FC-1	Floodplain and Conservation
A-2	Agricultural
R-1	Residential (Low Density)
R-1A	Residential (Suburban Low Density)
R-2	Residential (Medium Density)
R-3	Residential (Intensive Low Rise)
R-4	Residential (Intensive High Rise)
B-1	Commercial (Office-Business)
B-2	Commercial (Neighborhood)
B-3	Commercial (Community-Wide)
B-3A	Commercial (Highway Service)
B-4	Commercial (General Intensive)
CB-1	Campus Business
M-1	Industrial (Science and Industry)
M-2	Industrial (Manufacturing)

(Ord. No. 703, 9-8-2008)

Sec. 602. Official zoning map.

The boundaries of these districts are hereby defined and established as shown on a map entitled "Township Zone District Map," which accompanies this Ordinance and which map with all explanatory matter thereon is hereby made a part of this Ordinance. The official zone map shall be kept and maintained by the township clerk.

Sec. 603. Interpretation of boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official zoning map, the following rules shall apply:

³State law reference(s)—Districts authorized, MCL 125.271.

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- a) Boundaries indicated as approximately following the streets or highways or the centerline of said roadways shall be construed to be such boundaries.
 - b) Boundaries indicated as approximately following township boundary lines or following lot lines shall be construed as following said lines.
 - c) Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.

Sec. 604. Scope of regulations.

No building or structure, or part thereof, shall hereafter be erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with the provisions of this Ordinance and with the regulations specified for the district in which it is located.

The regulations applying to such district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot that can be covered by each structure.

The board of appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

CHAPTER 7. FC-1 FLOODPLAIN AND CONSERVATION DISTRICTS⁴

Sec. 701. Intent and purpose.

This district is intended to protect floodplain and/or conservation areas; to promote the public health, welfare, and safety by prohibiting use of land within floodways which may result in the loss of life or property; [and] to preserve natural features, wildlife areas and scenic landscape. The basic purposes as herewith recognized are to protect persons and property from the hazards of floods and from resulting cost to the community, as well as to preserve natural resources and assets.

Sec. 702. Uses permitted by "right."

The following are the principal uses by "right" within a FC-1 district:

- 1. Farm crop, forestry, or similar land resource operations which do not adversely affect the natural state for which this district is designed to protect.
- 2. Parks, playgrounds, and conservation areas therein owned and operated by a public agency.

Sec. 703. Uses permitted under special conditions.

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

- 1. Customary accessory use to any of the permitted uses listed in the FC-1 district as defined in chapter 2, section 202(1).

⁴Cross reference(s)—Floods, ch. 34.

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2. Recreation, refreshment, amusement and service structures may be permitted in public recreation or conservation area under supervision of public authorities and provided no structures are erected in an area subject to flooding.
 3. Boat landings and docks, but not including incidental refreshments or restaurant facilities, provided ample at-grade off-street parking and storage facilities are provided for vehicles.
 4. Agricultural buildings, provided no structures are erected within an area subject to flooding; however, under no circumstance may a building be erected or altered for residential purposes.
 5. Alteration of the existing grade of areas subject to flooding is prohibited except upon issuance of a permit by the State of Michigan, Water Resources Commission, as required by the state law, Act 245 of the Public Acts of 1929, as amended (section 5b).
 6. Signs as provided in chapter 5.
 7. Off-street parking and loading as required and allowed, provided that all parking be at existing grade.
 8. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 771 , 9-28-2020)

Sec. 704. Uses permitted by special use permit.

The following uses of land and structure may be permitted in the FC-1 district by the application for an issuance of special use permit when all the procedural requirements specified in chapter 22, together with all applicable standards as cited in this chapter or chapter 22, are met.

1. Golf courses and country clubs, other than miniature golf courses, subject to the conditions of chapter 22, section 2205, and further provided no structures are constructed in any area subject to flooding.
2. Golf driving ranges, subject to section 2213(3)(b) and the following conditions:
 - a) Off-street parking spaces shall be provided in accordance with the schedule outlined in chapter 4, in addition to those required for a golf course or country club.
 - b) The driving range shall be a minimum of 200 feet at all points from any adjacent residential property and/or district.
 - c) The driving range shall be designed so that balls are not hit in the general direction of any buildings, roads, pedestrian paths, or other areas where people or personal property may be hurt or damaged.
 - d) An off-street lighting plan shall be submitted to the planning commission for approval in compliance with section 407.
 - e) Minimum site area shall be ten acres with a minimum width of 300 feet and depth of 350 feet.
 - f) Provisions shall be made for preventing balls from landing on adjacent parcels or roadways.
3. Personal wireless communication facilities when located on municipally owned and occupied land containing 20 acres or more and meeting the requirements of section 2219.

(Ord. No. 755, 4-9-2018)

Sec. 705. Dimensional requirements.

1. *Minimum lot size.*
 - a) None required.
2. *Minimum yard requirements.*
 - a) Same as for A-2 agricultural district.
3. *Maximum building height.*
 - a) Same as for A-2 agricultural district.
4. *Maximum lot coverage.*
 - a) None required.
5. *Off-street parking requirements.*
 - a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4. (Refer to section 404.)
6. *Loading requirements.*
 - a) None required in FC-1 districts.

CHAPTER 9. A-2 AGRICULTURE DISTRICTS

Sec. 901. Intent and purpose.

This district is intended to control the development of nonfarm use within primarily open land farm areas. It is the purpose of the regulations for this district to promote the maintenance of farm areas, while at the same time provide for special uses of a nonfarm nature which will not deter the basic objectives of this Ordinance.

Sec. 902. Uses permitted by "right."

The following are the principal permitted uses by "right" within an A-2 district:

1. Single-family dwelling.
2. General farming and forestry including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises.
3. Specialized farming including the raising and keeping of small animals and livestock, provided that such livestock are fenced in or otherwise prevented from roaming at large off premises.
4. Public and private conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources.

Sec. 903. Uses permitted under special conditions.

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the A-2 district as defined in chapter 2, section 202(1).

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2. Customary home occupations, as specified for R-1 districts.
 3. Cemeteries, public or private, subject to the conditions specified for R-1 districts.
 4. Roadside stands selling products grown by the owner of the property upon which the stand is located, provided that contiguous space for the parking of customers' vehicles is furnished off the public right-of-way at the ratio of one parking space for each 15 square feet of roadside stand floor area.
 5. Signs as provided in chapter 5.
 6. Off-street parking and loading as required and allowed.
 7. Private stables, as defined under section 202(78), with a minimum site of five acres.
 8. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 771 , 9-28-2020)

Sec. 904. Uses permitted by special use permit.

The following uses of land and structures may be permitted in the A-2 district by the application for an issuance of a special use permit when all of the procedural requirements specified in chapter 22, together with all applicable standards as cited in chapter 22, are met:

1. Farms for production of fur-bearing animals for profit which occupy a minimum site of five acres of land, provided such animals are at all times contained within a structure or fenced area; that the structure and area be maintained in a clean, healthful and inoffensive manner; and further that the structure and area be located so as to minimize the potentially adverse effects of noise or odors on adjacent properties so as to not create a nuisance.
2. Grain and seed elevators and sales, cold storage for cooperative and/or wholesale agricultural products, and similar enterprises which are directly related to agriculture, and provided adjacent areas and uses therein [sic].
3. Golf courses and country clubs, other than miniature golf courses, are subject to the conditions of chapter 22, section 2205, and further provided no structures are constructed in any area subject to flooding. Golf driving ranges that are ancillary to permitted golf courses and/or country clubs subject to chapter 22, section 2205 and the conditions listed under section 704(2).
4. Greenhouses and nurseries not selling [at] retail on the premises.
5. Incinerators and sanitary fills, subject to the standards cited in chapter 22, section 2213.
6. Correctional institutions or camps, subject to the standards cited in chapter 22, section 2213.
7. Institutional uses including: religious institutions, institutions for human care, educational and social institutions, and public buildings and service installations, subject to the standards cited in chapter 22, section 2204.
8. Public parks and recreation areas.
9. Race tracks with the exception of motor vehicle events, miniature golf courses and golf driving ranges, subject to the standards cited in chapter 22, section 2213.
10. Commercial riding stables or academies with a minimum site area of five acres or one acre for each horse stabled on the parcel whichever is greater.
11. Sand, gravel or clay pits and quarries, subject to the standards cited in chapter 22, section 2213.

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12. Seasonal labor housing complex associated with agricultural enterprise.
 13. Sewage treatment and disposal installations, subject to the standards cited in chapter 22, section 2213.
 14. Special open space uses, subject to the standards cited in chapter 22, section 2213.
 15. Veterinary hospitals, clinics, and kennels, which occupy a minimum site of five acres of land.
 16. Mobile home park development, subject to the standards cited in chapter 22, section 2206.
 17. Private airports or landing fields.
 18. Personal wireless communication facilities when located on municipally owned and occupied land containing 20 acres or more and meeting the requirements of section 2219.
 19. Substance abuse rehabilitation centers subject to the standards cited in section 2213.
 20. Open space preservation developments complying with the requirements of section 2220.
 21. Level 2 and level 3 solar energy systems, subject to the standards contained in section 2222.
- (Ord. No. 578, 1-26-1998; Ord. No. 633, 10-14-2002 ; Ord. No. 636, 2-24-2003; Ord. No. 771 , 9-28-2020)

Sec. 905. Dimensional requirements.

1. *Minimum lot size.*
 - a) Each lot shall contain a minimum of 20,000 square feet per dwelling unit.
 - b) Each lot shall be a minimum of 100 feet in width at the front building line. No lot, in any event, shall be less than 130 feet in depth nor have a ratio of depth to width greater than four feet of depth for each one foot of width.
2. *Minimum yard requirements.*
 - a) Each lot shall have a minimum front yard of 60 feet.
 - b) Each lot shall have a total side yard of at least 35 feet, with a minimum of 15 feet on one side.
 - c) Each lot shall have a minimum rear yard of 40 feet.
 - d) In the case of a corner lot, the side yard on the street side shall not be less than 30 feet and the remaining side yard shall be 15 feet.
 - e) In any case, no permanent or temporary structure housing livestock, other animals or for storage of manure shall be located any closer than 150 feet to a lot line.
3. *Minimum floor area per dwelling unit.*
 - a) Each dwelling unit shall have a minimum floor area of 1,040 square feet per dwelling unit, with a minimum of 800 square feet on the ground floor for units of more than one story.
4. *Maximum building height.*
 - a) Two and one-half stories or 35 feet.
 - b) Exceptions (refer to chapter 3, section 304).
5. *Maximum lot coverage.*
 - a) A maximum of 25 percent of the lot may be covered by all buildings.
6. *Off-street parking requirements.*

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- a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).

7. *Loading requirements.*

- a) None required in A-2 districts.

(Ord. No. 678, 11-8-2004)

CHAPTER 10. R-1 RESIDENTIAL DISTRICTS (LOW DENSITY)

Sec. 1001. Intent and purpose.

This district is intended primarily for single-family residential uses, together with such compatible uses as schools, churches, and recreational uses. The regulations herein set forth are designed for the purposes of encouraging a residential environment of low-density single-family dwellings located in individual lots.

Sec. 1002. Uses permitted by "right."

The following are the principal permitted uses by "right" within an R-1 district:

1. Single-family dwelling not to exceed one single-family dwelling per lot.
2. Public parks, public playgrounds, public recreational grounds, and grounds for games and sports, except those of which the chief activity is carried on, or is customarily carried on, as a business.

Sec. 1003. Uses permitted under special conditions.

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the R-1 district and as defined in chapter 2, section 202(1) and section 305.
2. Customary home occupations as provided in chapter 3, section 305(9).
3. Cemeteries, public and private, subject to the following conditions:
 - a) The site shall be at least 20 acres and shall be so designed as to provide ingress and egress directly onto or from a major or minor thoroughfare.
 - b) No principal or accessory building shall be closer than 50 feet from any abutting residentially zoned property line.
 - c) All lighting shall be shielded to reduce glare and shall be so arranged and maintained to direct light away from residential lands adjoining the site.
 - d) A maximum of one sign is permitted at a point of entrance or exit which shall bear only the name of the cemetery and shall have a maximum area of 16 square feet. The sign shall be located no closer than the yard requirements for the residential zone.
4. Signs, as provided in chapter 5.
5. Off-street parking and loading as required and allowed.
6. Family day care facilities as provided in chapter 3, section 305(10).

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7. State-licensed residential facilities, provided the population of such a facility is no greater than six persons and no similar facility is located within 1,500 feet of the proposed facility and persons released from correctional facilities may not be housed in such a facility.
 8. Group day care home, as provided in chapter 3, section 305(11).
 9. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 701, 3-26-2008; Ord. No. 771 , 9-28-2020)

Sec. 1004. Uses permitted by special permit.

The following uses of land and building may be permitted in the R-1 districts by the application for issuance of a special use permit when all of the procedural requirements specified in chapter 22, together with the applicable standards cited in chapter 22, are met.

1. Institutional uses including religious institutions, educational and social institutions, and public buildings and service installations, subject to the standards specified in chapter 22, section 2204.
2. Bed and breakfast establishments as provided in section 2217.
3. Personal wireless communication facilities when located on municipally owned and occupied land containing 20 acres or more and meeting the requirement of section 2219.
4. Planned neighborhood development, subject to the requirements of section 2221.

(Ord. No. 578, 1-26-1998; Ord. No. 753, 8-14-2017)

Sec. 1005. Dimensional requirements.

1. *Minimum lot size.*
 - a) Each lot shall contain a minimum of 10,400 square feet per dwelling unit.
 - b) Each lot shall be a minimum of 80 feet in width at the front building line. No lot, in any event, shall be less than 130 feet in depth.
 - c) Each lot not being serviced by public sanitary sewer shall be provided with a minimum of 85 feet in width at the front building line and shall contain a minimum of 12,000 square feet. No lot, in any event, shall be less than 130 feet in depth.
2. *Minimum yard requirements.*
 - a) Each lot shall have a minimum front yard of 30 feet.
 - b) Each lot shall have a total side yard of at least 20 feet, with a minimum of ten feet on each side.
 - c) Each lot shall have a minimum rear yard of 30 feet.
 - d) In case of a corner lot, the side yard on the street side shall not be less than 30 feet and the remaining side yard shall not be less than ten feet.
3. *Minimum floor area per dwelling unit.*
 - a) Each dwelling unit shall have a minimum finished living area of 1,040 square feet floor area per dwelling unit with a minimum of 800 square feet on the ground floor for units of more than one story.
4. *Maximum building height.*

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- a) Two and one-half stories of 35 feet.
 - b) Exceptions (refer to chapter 3, section 304).
5. *Maximum lot coverage.*
- a) A maximum of 25 percent of the lot may be covered by all buildings.
6. *Off-street parking requirements.*
- a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).
7. *Loading requirements.*
- a) None required in R-1 district.
- (Ord. No. 455, 4-22-1991; Ord. No. 510, 10-11-1993; Ord. No. 678, 11-8-2004)

CHAPTER 11. R-1A RESIDENTIAL DISTRICTS (SUBURBAN LOW DENSITY)

Sec. 1101. Intent and purpose.

This district is intended for yet open rural and agricultural area which are the prime potential for urban development.

The regulations herein set forth are designed for the purpose of encouraging and allowing well-planned low-density residential and related uses together with planned unit developments (for low to medium density) within R-1A districts as they are ready for development.

Sec. 1102. Uses permitted by "right."

The following are the principal permitted uses by "right" within an R-1A district:

1. All uses permitted by "right" within an R-1 district and subject to all the restrictions hereinafter cited.

Sec. 1103. Uses permitted under special conditions.

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the R-1A district and as defined in chapter 2, section 202(1).
2. Customary home occupations as specified for R-1 districts.
3. Cemeteries, public and private, subject to the conditions specified for R-1 districts.
4. Customary agricultural operations on a minimum site of five acres of land including general farming, truck farming, fruit orchards, nurseries, greenhouses, and usual farm buildings but subject to the following restrictions:
 - a) No storage of manure or other odorous or dust-producing materials or use shall be permitted within 150 feet of any adjoining lot line.
 - b) Stables and buildings housing farm animals shall not be closer to any adjoining lot line than 150 feet.

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- c) No farm buildings shall be located closer than 50 feet to any lot line.
 - d) Customary farm animals except swine, poultry, rabbits, etc., and dogs other than household pets may be kept on a noncommercial basis when adequately housed and fenced on a parcel of land not less than five acres.
 - e) No products shall be publicly offered for sale from the roadside.
5. Single-family dwelling not to exceed one single-family dwelling per lot with a minimum lot size of 12,750 square feet and a minimum width at the front building line of 85 feet, providing the lot is a lot of record of a legally recorded plat. All other dimensional requirements of section 1005 are applicable.
 6. Signs as provided in chapter 5.
 7. Off-street parking and loading as required and allowed.
 8. Family day care facilities as provided in chapter 3, section 305(9).
 9. State-licensed residential facilities as specified for R-1 districts.
 10. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 771 , 9-28-2020)

Sec. 1104. Uses permitted by special use permit.

The following uses of land and buildings may be permitted in the R-1A districts by the application for issuance of a special use permit when all the provisional requirements specified in chapter 22, together with all applicable standards cited in chapter 22 are met.

1. Institutional uses including religious institutions, educational and social institutions, and public buildings and service installations, subject to the standards specified in chapter 22, section 2204.
2. Golf courses and country clubs, other than miniature golf courses, are subject to the conditions of chapter 22, section 2205. Golf driving ranges that are ancillary to permitted golf courses and/or country clubs, subject to chapter 22, section 2205 and the conditions listed under section 704(2).
3. Planned unit development, subject to the standards specified in chapter 22, section 2207.
4. Bed and breakfast establishments as provided in section 2217.
5. Personal wireless communication facilities when located on municipally owned and occupied land containing 20 acres or more and meeting the requirements of section 2219.
6. Open space preservation developments complying with the requirements of section 2220.
7. Planned neighborhood development, subject to the requirements of section 2221.

(Ord. No. 578, 1-26-1998; Ord. No. 636, 2-24-2003; Ord. No. 753, 8-14-2017)

Editor's note(s)—The amendment made by Ord. No. 578 stated that it amended § 1103(5). It has been treated as an amendment to § 1104(5) in accordance with the intent of same.

Sec. 1105. Dimensional requirements.

1. *Minimum lot size.*
 - a) Each lot shall contain a minimum of 15,000 square feet per dwelling unit.

(Supp. No. 34)

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- b) Each lot shall be a minimum of 100 feet in width at the front building line. No lot, in any event, shall be less than 130 feet in depth.
2. *Minimum yard requirements.*
 - a) Minimum yard requirements are the same as those specified for R-1 districts.
 3. *Minimum floor area per dwelling unit.*
 - a) Each dwelling unit shall have a minimum finished living area of 1,040 square feet floor area per dwelling unit with a minimum of 800 square feet on the ground floor for units of more than one story.
 4. *Maximum building height.*
 - a) Maximum building heights are the same as specified for R-1 districts.
 5. *Maximum lot coverage.*
 - a) Maximum lot coverage is the same as specified for R-1 districts.
 6. *Off-street parking requirements.*
 - a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).
 7. *Loading requirements.*
 - a) None required for R-1A districts.

(Ord. No. 678, 11-8-2004)

CHAPTER 12. R-2 RESIDENTIAL DISTRICTS (MEDIUM DENSITY)

Sec. 1201. Intent and purpose.

This district is intended to provide a sound and stable environment for various types of residential buildings including single-family and two-family, as well as single-family townhouses up to a medium-density character. In addition, residentially compatible uses are allowed under specified conditions. There is no intent to promote, by these regulations, a residential district of lower quality or livability than the R-1 or R-1A districts.

It is the express purpose of the regulation as herein set forth to promote variety in housing style, design and cost to meet the ranging demands for adequate housing by existing and potential residents.

Sec. 1202. Uses permitted by "right."

The following are the principal permitted uses by "right" within an R-2 district.

1. All uses permitted by right in R-1 districts, subject to all regulations hereinafter cited.
2. Two-family dwellings.

Sec. 1203. Uses permitted under special conditions.

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the R-2 district and as defined in chapter 2, section 202(1).

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2. Customary home occupations as specified for R-1 districts.
 3. Cemeteries, public and private, subject to the conditions specified for R-1 districts.
 4. Signs, as provided in chapter 5.
 5. In the case of two-family dwellings, two off-street parking places shall be provided outside of the front yard, as defined herein per unit.
 6. Family day care facilities as provided in chapter 3, section 305 9.
 7. State-licensed residential facilities as specified for R-1 districts.
 8. Group day care home, as provided in chapter 3, section 305 11.
 9. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 701, 3-26-2008; Ord. No. 771 , 9-28-2020)

Sec. 1204. Uses permitted by special use permits.

The following uses of land and buildings may be permitted in the R-2 districts by the application for issuance of a special use permit when all of the provisional requirements specified in chapter 22, together with all applicable standards cited in chapter 22 are met:

1. All uses permitted by issuance of a special use permit in a R-1 district subject to the restrictions and regulations specified therefor.
2. Planned unit developments subject to the standards specified in chapter 22, section 2207.
3. Day nurseries subject to the standards specified in chapter 22, section 2209.
4. Townhouses not to exceed a density factor of eight units per acre.
5. Senior citizens developments subject to the standards specified in chapter 22, section 2214.
6. Bed and breakfast establishments as provided in section 2217.
7. Personal wireless communication facilities when located on municipally owned and occupied land containing 20 acres or more and meeting the requirements of section 2219.

(Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998)

Sec. 1205. Dimensional requirements.

1. *Minimum lot size.*
 - a) For single-family dwellings, such lot shall contain a minimum of 10,400 square feet. Single-family dwellings located on property not served and thereby not connected to public water and sanitary sewer shall have a minimum lot size of 15,000 square feet and a minimum lot width of 100 feet.
 - b) For two-family dwelling structures, each dwelling structure shall have a minimum lot area of 11,050 square feet. Two-family dwellings located on property not served and thereby not connected to public water and sanitary sewer shall have a minimum lot size of 15,000 square feet and a minimum lot width of 100 feet.
 - c) For townhouse dwellings, there shall be a minimum lot of one acre required, provided the minimum lot area per unit equals 8,450 square feet for the first unit and 5,015 square feet for each additional unit,

further provided a maximum density of eight units per acre is not exceeded. A minimum lot width of 150 feet shall be required and all units shall be connected to public water and all sanitary sewer facilities. No lot, in any event, shall be less than 130 feet in depth.

- d) Each lot shall be a minimum of 80 feet in width at the front building line and in addition all lots to be occupied for two-family dwellings shall be 85 feet in width at the front building line. No lot, in any event, shall be less than 130 feet in depth.

2. *Minimum yard requirements.*

- a) Each lot shall have a minimum front yard of 30 feet.
- b) Each lot shall have a total side yard of 20 feet with a minimum of ten feet on each side.
- c) Each lot shall have a minimum rear yard of 30 feet.
- d) In the case of a corner lot, the side yard on the street side shall not be less than 30 feet and the remaining side yard shall not be less than ten feet.

3. *Minimum floor area per dwelling unit.*

- a) Single-family dwelling units shall have a minimum finished living area of 1,040 square feet per unit with a minimum of 800 square feet on the ground floor for units of more than one story.
- b) Two-family dwellings and townhouse structures shall have a minimum finished living area of 850 square feet per dwelling unit.

4. *Maximum building height.*

- a) Two and one-half stories or 35 feet.
- b) Exceptions (refer to chapter 3, section 304).

5. *Maximum lot coverage.*

- a) A maximum of 35 percent of the lot may be covered by all buildings.

6. *Off-street parking requirements.*

- a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).

7. *Loading requirements.*

- a) None required in R-2 districts.

(Ord. No. 455, 4-22-1991; Ord. No. 510, 10-11-1993; Ord. No. 678, 11-8-2004)

CHAPTER 13. R-3 RESIDENTIAL DISTRICTS (INTENSIVE LOW RISE)

Sec. 1301. Intent and purpose.

This district is intended primarily for multiply-family residential uses together with certain institutional and other compatible uses under specified conditions. There is no intent to promote, by these regulations, a residential district of lower quality or livability than the R-1, R-1A, or R-2 districts. This district is intended only for area served by public water and sanitary sewer.

It is the express purpose of these regulations to provide sites for multiply-family dwelling structures of a low-rise, moderate-density character where adequate public and private services and facilities are available to accommodate higher population concentrations.

Sec. 1302. Uses permitted by "right."

The following are the principal permitted uses by "right" within an R-3 district:

1. Single-family dwellings.
2. Two-family dwellings.
3. Multiply-family dwelling, excepting basement living units, and boardinghouses or roominghouses.

Sec. 1303. Uses permitted under special conditions.

The following are the permitted uses subject to the cited conditions thereafter imposed for each use:

1. Customary accessory uses to any permitted uses listed in the R-3 districts, and as defined in chapter 2, section 202(1).
2. Customary home occupations, as specified for R-1 districts.
3. Day nurseries, subject to the standards specified in chapter 22, (refer to section 2209).
4. Institutional uses including religious institutions, educational and social institutions, and public buildings and service installations, subject to the standards specified in chapter 22, section 2204.
5. Basement living units within multiple-family dwelling subject to an engineering determination, supplied by the developer, as to the protection from flooding afforded to basement living units and as is approved by the planning commission.
6. Family day care facilities as provided in chapter 3, section 305(9).
7. State-licensed residential facilities as specified for R-1 districts.
8. Group day care home, as provided in chapter 3, section 305 11.
9. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 701, 3-26-2008; Ord. No. 771 , 9-28-2020)

Sec. 1304. Uses permitted by special use permit.

The following uses of land and buildings may be permitted in the R-3 districts by the application for issuance of a special use permit when all of the provisional requirements specified in chapter 22, together with all applicable standards cited in chapter 22, are met:

1. Planned unit development, subject to the standards specified in chapter 22, section 2207.
2. Multiple-family service uses, subject to the standards specified in chapter 22, section 2211.
3. Funeral homes and mortuaries, subject to the standards cited in chapter 22, section 2210.
4. Senior citizens' housing development, subject to the standards cited in chapter 22, section 2214.

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5. Housing developments may contain zero bedroom with a minimum floor area of 500 square feet if they do not exceed more than 25 percent of the total units subject to the standards set forth in chapter 2207.
 6. Bed and breakfast establishments as provided in section 2217.
 7. Personal wireless communication facilities as provided in section 2219.

(Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998)

Sec. 1305. Dimensional requirements.

1. *Minimum lot size.*

- a) For single-family dwellings, such lot shall contain a minimum of 9,750 square feet.
- b) For two-family dwelling structures, such lot shall contain 11,050 square feet.
- c) Townhouses are not to exceed a density factor of ten units per acre, provided there is a minimum site of one acre and provided minimum lot area per unit equals 7,800 square feet for the first unit and 3,970 square feet for each additional unit, subject to the standards cited in chapter 22, section 2207(4)(c). Minimum lot width of 150 feet is required.
- d) For multiple-family dwelling structures, the first dwelling unit shall have 7,800 square feet, and each additional unit shall be provided with 2,750 square feet. For boardinghouses or roominghouses, the dwelling structure shall have 6,000 square feet for the first living unit with at least 1,200 square feet for each additional group of four occupant accommodations or major fraction thereof.
- e) Each lot, unless otherwise cited, shall at the front building line be a minimum of 80 feet in width for single-family, 85 feet in width for two-family, and 150 feet for multiple-family. No lot, in any event, shall be less than 130 feet in depth.

2. *Minimum yard requirements.*

- a) For single-family dwellings:
 - i) Each lot shall have a minimum front yard of 30 feet.
 - ii) Each lot shall have a total side yard of 25 feet, with a minimum of 12 feet on one side.
 - iii) Each lot shall have a minimum rear yard of 30 feet.
 - iv) In the case of a corner lot the side yard on the street side shall not be less than 30 feet and the remaining side yard shall not be less than 12 feet.
- b) For two family dwellings:
 - i) Each lot shall have a minimum front yard of 30 feet.
 - ii) Each lot shall have a total side yard of 20 feet with a minimum of ten feet on each side.
 - iii) Each lot shall have a minimum rear yard of 30 feet.
 - iv) In the case of a corner lot, the side yard on the street side shall not be less than 30 feet and the remaining side yard shall not be less than ten feet.
- c) For multiple family dwellings:
 - i) Each lot shall have a minimum front yard of 30 feet.
 - ii) Each lot shall have a total side yard of 25 feet, with a minimum of 12 feet on each side.

- iii) Each lot shall have a minimum rear yard of 30 feet.
- iv) In the case of a corner lot, the side yard on the street side shall not be less than 30 feet and the remaining side yard shall not be less than ten feet.
- v) Within any site for an apartment complex, no structure shall be less than a distance of 25 feet apart.
- vi) No garage or carport opening facing the street shall be located less than 20 feet from the exterior property lines.

3. *Minimum floor area per dwelling unit.*

- a) Minimum floor area for single- and two-family, as well as townhouses, are the same as specified for R-2 districts.
- b) Minimum floor areas for multiple-family shall be in accord with the following schedule:

Number of Bedrooms	Square Feet
1	850
2	1,000
3 or more	1,200

4. *Maximum building heights.*

- a) Maximum building heights are the same as specified for R-2 districts; however, further provided that within 150 feet of any R-1 district no building shall exceed a height of two stories.
- b) Exceptions (refer to chapter 3, section 304).

5. *Maximum lot coverage.*

- a) A maximum of 40 percent of the lot may be covered by all buildings.

6. *Off-street parking requirements.*

- a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).

7. *Loading requirements.*

- a) None required in R-3 districts.

8. *Recreation areas.*

- a) Recreation areas and facilities, such as parks, playgrounds, swimming pools, and community buildings, shall be provided to the extent necessary to meet anticipated needs of the residents of the developments. Provisions of separate adult and youth recreation areas is encouraged. Recreation facilities generally shall be provided in a centralized location and should be convenient to the community center. In larger developments recreation facilities may be decentralized as necessary to provide adequate recreation opportunities for all residents.

(Ord. No. 455, 4-22-1991; Ord. No. 678, 11-8-2004; Ord. No. 685, 8-8-2005)

CHAPTER 14. R-4 RESIDENTIAL DISTRICTS (INTENSIVE HIGH RISE)

Sec. 1401. Intent and purpose.

This district is intended primarily for multiple-family residential uses, together with certain institutional and other compatible uses under specified conditions. There is no intent to promote by these regulations a residential district of lower quality or livability than the R-1, R-1A, R-2, or R-3 districts. This district is intended only for areas served by public water and sanitary sewer.

It is the express purpose of these regulations to provide sites for multiple-family dwelling structures of both a low use and high-rise, and higher density character where appropriate public and private services and facilities are available to accommodate greater population density.

Sec. 1402. Uses permitted by "right."

The following are the principal permitted uses by "right" within an R-4 district:

1. All uses permitted by right in R-3 districts, subject to all regulations hereinafter cited.
2. High-rise apartment structures.

Sec. 1403. Uses permitted under special conditions.

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use:

1. All uses permitted under special conditions in R-3 districts, subject to all regulations hereinafter cited.
2. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 771 , 9-28-2020)

Sec. 1404. Uses permitted by special use permit.

The following uses of land and buildings may be permitted in R-4 districts by the application for issuance of a special use permit when all the provisional requirements specified in chapter 22, together with all applicable standards cited in chapter 22, are met:

1. Multiple-family service uses, subject to the standards specified in chapter 22, section 2211.
2. Planned unit developments, subject to the standards specified in chapter 22, section 2207.
3. Senior citizens' housing development subject to the standards cited in chapter 22, section 2214.
4. Bed and breakfast establishments as provided in section 2217.
5. Personal wireless communication facilities as provided in section 2219.

(Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998)

Sec. 1405. Dimensional requirements.

1. *Minimum lot size.*
 - a) For single-family and two-family dwellings as well as townhouse structures, such lots shall conform to requirements for R-3 and R-4 districts.

(Supp. No. 34)

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- b) For multiple-family structures, the first dwelling unit shall have 4,000 square feet of lot area and each additional unit shall be provided with an additional area as specified by the following structure type:

Structure Type	Additional Lot Area
Garden apartments	2,250 sq. ft. for each additional unit
Multi-story apartments	790 sq. ft. per additional unit

For boardinghouses or roominghouses, the dwelling structure shall have 6,000 square feet for the first living unit, with at least 1,200 square feet for each additional group of four accommodations or major fraction thereof.

- c) Each lot shall conform to minimum lot width as required for R-3 districts.
2. *Minimum yard requirements.*
- a) Minimum yard requirements shall conform to those cited for R-3 districts except as hereinafter modified.
- b) Minimum yard requirements for high-rise apartment structures shall be as follows:
 Within any site for an apartment complex, no structures shall be less than a distance of 25 feet apart and shall be increased by two feet for every ten feet, or major fraction thereof the structure exceeds 2½ stories or 35 feet.
3. *Minimum floor area per dwelling unit.*
- a) Minimum floor area requirements are the same as specified for R-3 districts.
4. *Maximum building heights.*
- a) Maximum building heights are the same as specified for R-3 districts, except as hereinafter modified.
- b) High-rise apartments may be constructed to a height of 100 feet.
- c) Exceptions (refer to chapter 3, section 304).
5. *Maximum lot coverage.*
- a) Maximum lot coverage is the same as specified for R-3 districts.
6. *Off-street parking requirements.*
- a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).
7. *Loading requirements.*
- a) Each high-rise apartment building shall be provided with one standard loading space as a minimum and shall provide one additional loading space for each 50 dwelling units over 100 dwelling units.

(Ord. No. 455, 4-22-1991; Ord. No. 678, 11-8-2004)

CHAPTER 15. B-1 COMMERCIAL (OFFICE-BUSINESS)⁵

⁵Cross reference(s)—Businesses, ch. 18.

Sec. 1501. Intent and purpose.

The B-1 districts are designed to accommodate office uses, together with office sales uses, and certain personal services and restricted retail commercial uses.

It is the purpose of this district to accommodate permitted uses typically in proximity to major shopping facilities and/or in compatible relationship with the major arterial street system and surrounding land uses. The nature of modern office use development provides greater compatibility for integration into a community structure; therefore, this district has been established for the purpose of encouraging office and related use development, but excluding general commercial activity.

Sec. 1502. Uses permitted by "right."

The following are the principal permitted uses by "right" within a B-1 district:

1. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and office equipment and supplies sales.
2. Medical offices, including clinics.
3. Banks, credit unions, saving and loan institutions and similar uses.
4. Personal service establishments which perform personal services on the premises including barber or beauty shops and photographic studios or similar uses, but not including interior decorating shops.
5. Institutions for human care, including hospitals and public clinics.
6. Publicly owned buildings, exchanges and public utility offices, but not including storage yards, substations or regulator stations.
7. Commercial schools including art, business, music, dance, professional and trade.

Sec. 1503. Uses permitted under special conditions.

The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the B-1 districts and as defined in chapter 2, section 202(1).
2. Funeral homes, subject to the standards specified in chapter 22, section 2210.
3. Day nurseries, subject to the standards specified in chapter 22, section 2209.
4. Signs, as provided in chapter 5.
5. Off-street parking and loading, as required and allowed.
6. Small animal veterinary clinics, provided all animals are boarded within a wholly enclosed structure.
7. Self storage facilities in climate controlled buildings; provided:
 - a. There shall be no direct access to storage units from outside the building.
 - b. The hours of operation shall be limited from 7 a.m. to 8 p.m.
 - c. Outdoor storage is prohibited.
 - d. Buildings are designed to be compatible with adjacent uses.

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8. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 690, 7-10-2006; Ord. No. 771 , 9-28-2020)

Sec. 1504. Uses permitted by special use permit.

The following uses of land and buildings may be permitted in the B-1 districts by the application for issuance of a special use permit when all of the provisional requirements specified in chapter 22, together with all applicable standards cited in chapter 22 are met:

1. Residential land uses in connection with permitted office or service uses provided the following standards are met:
 - a) Residential development shall not exceed a density of eight dwelling units per acre.
 - b) Unless otherwise mentioned herein, residential development shall conform to the requirements of the R-3 district in chapter 13.
 - c) The total floor area dedicated to or utilized by the residential use shall not exceed the total floor area dedicated to or utilized by the office or service use on the property. For the purpose of determining dedicated or utilized floor area, those areas used in common by both the residential and commercial uses shall be considered to be divided in half with one-half to each use.
 - d) Parking requirements for the property shall be the sum of parking required for each use individually.
2. Office business retail uses, subject to the standards specified in chapter 22, section 2211.
3. Restaurant or other establishments serving food and/or beverages including drive-through restaurants subject to chapter 22, sections 2216 and 2218, but not including drive-ins.
4. Tennis, racket sport, nonprofit fraternal organizations, private clubs, social and service institutions, swimming facilities (public or private); subject to the standards specified in chapter 22, section 2205.
5. Drive-in businesses, including banks and drive-in facilities, related to uses permitted in B-1 districts, except that drive-in restaurants and automobile service stations are hereby not allowed.
6. Institutional uses including religious institutions, educational and social institutions and public buildings and service installations, subject to the standards specified in chapter 22, section 2204.
7. Senior citizens' housing development, subject to the standards cited in chapter 22, section 2214, as well as a maximum density of 12 dwelling units per acre.
8. Personal wireless communication facilities as provided in section 2219.
9. Substance abuse rehabilitation centers subject to the standards cited in section 2213.
10. Level 2 solar energy systems, subject to special use permit and the standards contained in section 2222.

(Ord. No. 535, 7-10-1995; Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998; Ord. No. 633, 10-14-2002; Ord. No. 771 , 9-28-2020)

Sec. 1505. Dimensional requirements.

1. *Minimum lot size.*

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- a) Each lot shall contain a minimum of 18,000 square feet.
 - b) Each lot shall be a minimum of 100 feet in width at the front building line. No lot, in any event, shall be less than 130 feet in depth.
2. *Minimum yard requirements.*
 - a) Each lot shall have a minimum front yard of 30 feet.
 - b) Each lot shall have a total side yard of 25 feet, with a minimum of ten feet on each side.
 - c) Each lot shall have a minimum rear yard of 30 feet.
 - d) In the case of a corner lot the side yard on the street side shall not be less than 30 feet and the remaining side yard shall not be less than ten feet.
3. *Maximum building height.*
 - a) Three stories or 40 feet.
 - b) Exceptions (refer to chapter 3, section 304).
4. *Maximum lot coverage.*
 - a) A maximum of 35 percent of the lot may be covered by all buildings.
5. *Off-street parking requirements.*
 - a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).
6. *Loading requirements.*
 - a) Any use engaged in the sale of merchandise, including prepared foods and beverages, shall provide at least one standard loading space regardless of floor area and at least one standard loading space for each 6,000 square feet or major fraction thereof of gross floor area involved in the use. Loading space for high-rise apartments shall be provided as required under section 1405(7), chapter 14. All office buildings of over two stories shall provide one loading space.
 - b) Supplementary regulations are contained in chapter 4.

(Ord. No. 455, 4-22-1991; Ord. No. 678, 11-8-2004)

CHAPTER 16. B-2 COMMERCIAL (NEIGHBORHOOD)⁶

Sec. 1601. Intent and purpose.

The B-2 districts are designed and intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

It is the purpose of this district to accommodate commercial activities primarily offering goods or services which are required by a family at intervals of a week or less and at the same time protect adjacent residential areas from the adverse effects of uncontrolled or unlimited commercial activity which can result in blighting

⁶Cross reference(s)—Businesses, ch. 18.

influences upon residential uses. Under appropriate conditions medium density apartment developments are also allowed.

Sec. 1602. Uses permitted by "right."

All B-2 uses must be conducted wholly within a permanent, fully enclosed building (except required off-street parking and loading). In addition to those uses specified by "right" within a B-1 district only the following uses are permitted by "right" in the B-2 district.

1. Retail food establishments which market only convenience goods such as groceries, fruit, meats, dairy products, produce, baked goods, alcoholic beverages or similar commodities. Establishments such as bakeries and delicatessens which prepare food for retail, take out sales. Supermarkets are not permitted in B-2 districts.
2. General retail establishments, provided no more than 4,000 square feet of gross floor area is used per tenant space.
3. Offices for medical, dental and similar allied professions.
4. Banks, automatic teller machines, and other similar financial institutions excluding drive-in facilities. Drive-in facilities are allowed as a special use permit.
5. Personal service establishments which perform services on the premises, such as barber and beauty shops, tanning salons, dressmaker or tailor shops, self-service laundries, repair shops for shoes, watches, jewelry, radios, small households appliances and similar items, but excluding repair shops for lawnmowers, large appliances, furniture, motor vehicles and similar items.
6. Professional offices for architects, engineers, artists, and others employed in the graphic arts field.
7. Administrative offices in which the personnel will be employed in one or more of the following fields: executive, administrative, legal, writing, clerical, stenographic accounting, insurance and similar enterprises, including both public and private.
8. Commercial schools including art, business, music, dance, professional and trade.

(Ord. No. 585, 8-17-1998)

Sec. 1603. Uses permitted under special conditions.

The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the B-2 districts and as defined in chapter 2, section 202(1).
2. Temporary outdoor uses such as displays, Christmas tree sales, tent sales, amusements and the display or sale of any item permitted for sale by right in this district with the following conditions:
 - a) Such use shall be limited to 30 days in any one calendar year per parcel of land.
 - b) Such use or sales area shall not be located within any required yard or setback area.
 - c) Adequate off-street parking shall be maintained at all times and such use shall not displace required off-street parking nor cause parking or traffic congestion on adjacent streets or properties.

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- d) Such use shall be approved only when it can be adequately shown not to be injurious or detrimental to properties in the immediate vicinity.
 - e) Extension beyond the 30-day limit may be granted by the planning commission, after a public hearing and a finding that a practical difficulty will be created were the 30-day limit to be imposed.
3. Small animal veterinary clinics, provided all animals are boarded within a wholly enclosed building.
 4. Day nurseries, subject to the standards specified in chapter 22, section 2204.
 5. Signs, as provided in chapter 5.
 6. Off-street parking and loading as required and allowed.
 7. Religious institutions, subject to the standards contained in section 2204.
 8. Social institutions, subject to the standards contained in section 2204.
 9. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 692, 10-23-2006; Ord. No. 771 , 9-28-2020)

Sec. 1604. Uses permitted by special use permit.

The following uses of land and structures may be permitted by the application for issuance of a special use permit when specified procedures of chapter 22 and the requirements as outlined in the chapter and sections cited are met:

1. Automobile service station, subject to the site development standards cited in chapter 22, section 2212.
2. Drive-in businesses, including banks and drive-in facilities related to uses permitted in B-2 districts.
3. Residential land uses in connection with permitted retail, office or service uses under the following conditions:
 - a) Residential development shall not exceed a density of eight dwelling units per acre.
 - b) Unless otherwise mentioned herein, residential development shall conform to the requirements of the R-3 district in chapter 13.
 - c) The total floor area dedicated to or utilized by the residential use shall not exceed the total floor area dedicated to or utilized by retail, office or service use on the property. For the purpose of determining dedicated or utilized floor area, those areas used in common by both the residential and commercial uses shall be considered to be divided in half with one-half to each use.
 - d) Parking requirements for the property shall be the sum of parking required for each use individually.
4. Restaurants, clubs and other eating or drinking establishments which provide food or drink for consumption on the premises, subject to chapter 22, section 2218; provided, that such establishments shall not be so-called "drive-in" facilities and that no dancing or entertainment shall be permitted.
5. Drive-through restaurants subject to the standards cited in chapter 22, section 2216.
6. Personal wireless communication facilities as provided in section 2219.

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7. Level 2 solar energy systems, subject to special use permit and the standards contained in section 2222.
 8. Marihuana safety compliance facilities, as authorized by Chapter 83 of the Code of Ordinances of Saginaw Charter Township, subject to special use permit and the standards contained in section 2223, and under the following conditions:
 - a) Any uses or activities found by the state or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law shall not be permitted by the township. In the event that a court with jurisdiction declares some or this entire article invalid, then the township shall suspend the acceptance of applications for a marihuana facilities licenses pending the resolution of the legal issue in question.
 - b) The use or facility must be at all times in compliance with all other applicable laws and ordinances of the township and state.
 - c) The township shall suspend or revoke a marihuana establishment license based on the finding that the provisions of the Medical Marihuana Facilities Licensing Act, the Michigan Regulation and Taxation of Marihuana Act, all other applicable provisions of the Zoning Ordinance, Chapter 83, or the approved special use permit and/or site plan are not met.
 - d) A marihuana safety compliance facility, or activities associated with the testing of marihuana, shall not be permitted as a home occupation.
 - e) A marihuana safety compliance facility, or activities associated with the testing of marihuana, shall not be permitted as an accessory use.
 - f) All signs shall be in accordance with Chapter 48 (Signs) of the Code of Ordinances of Saginaw Charter Township.

(Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998; Ord. No. 771 , 9-28-2020; Ord. No. 779 , 11-8-2021)

Sec. 1605. Dimensional requirements.

1. *Minimum lot size.*
 - a) Each lot shall contain a minimum of 11,050 square feet.
 - b) Each lot shall be a minimum of 85 feet in width at the front building line. No lot, in any event, shall be less than 130 feet in depth.
2. *Minimum yard requirements.*
 - a) Each lot shall have a minimum front yard of 30 feet and said yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading or accessory structures, nor shall it be used for any outdoor display including any items sold on or off the premises. The only exception to this shall be in accordance with section 403(5)(a).
 - b) Side yards shall not be required except on that side of the lot abutting upon a residential district or agricultural district, in which case there shall be a side yard of not less than 20 feet; and further, in the case of a corner lot, the side yard on the street side shall be a minimum of 30 feet; and further, except that if walls of structures facing an interior lot line contain windows or other openings, there shall be a ten-foot side yard.
 - c) Each lot shall have a rear yard of 30 feet.
3. *Maximum building height.*

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- a) The maximum building height shall be three stories or 40 feet.
 - b) Exceptions (refer to chapter 3, section 304).
4. *Maximum lot coverage.*
 - a) A maximum of 40 percent of the lot may be covered by all buildings or structures.
 5. *Off-street parking requirements.*
 - a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).
 6. *Loading requirements.*
 - a) Any use engaged in the sale of merchandise, including prepared foods and beverages, shall provide at least one standard loading space regardless of floor area and at least one standard loading space for each 6,000 square feet or major fraction thereof of gross floor area involved in the use.
- (Ord. No. 455, 4-22-1991; Ord. No. 678, 11-8-2004)

CHAPTER 17. B-3 COMMERCIAL (COMMUNITY-WIDE)⁷

Sec. 1701. Intent and purpose.

The B-3 community commercial district is established to serve the needs of a larger consumer population than is served by the B-2, neighborhood commercial district.

It is the intent of this district to provide regulations governing use and development of community-wide service shopping areas. These regulations are designed to promote the economic viability of the community-wide service shopping areas by encouraging consolidation of permitted uses, improving safety and convenience for customers, lessening traffic congestion on adjacent thoroughfares and streets, and ensuing harmonious relationships with surrounding land uses.

Sec. 1702. Uses permitted by "right."

In addition to those uses specified by "right" for B-2 districts, only the following uses are permitted by "right" in the B-3 districts:

1. Any retail business whose principal activity is the sale of merchandise in a permanent enclosed building.
2. Photographic studios.
3. Supermarkets.
4. Professional offices for architects, engineers, artists, and others employed in the graphic arts field.
5. Administrative offices in which the personnel will be employed in one or more of the following fields: executive, administrative, legal, writing, clerical, stenographic, accounting, insurance, real estate, and similar enterprises public and private.
6. Commercial schools including art, business, music, dance, professional and trade.

⁷Cross reference(s)—Businesses, ch. 18.

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7. Bus, train and air passenger terminals.
 8. Dry cleaning and laundry establishments.
 9. Service establishments including printing, publishing, photographic reproduction, blueprinting, photostatic and related trades or arts.
 10. Public buildings and service installation.
 11. Radio and television stations.
 12. Assembly buildings including auditoriums, theaters, private clubs and fraternal organizations.

Sec. 1703. Uses permitted under special conditions.

The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the B-3 districts and as defined in chapter 2, section 202(1).
2. Automobile service stations, provided that the development requirements cited in chapter 22, section 2212 are met.
3. Temporary outdoor uses, including, but not limited to, tent sales and sidewalk sales, for a period not to exceed seven days per calendar year, except for those uses specified under chapter 16, section 1603(2) and the conditions stated therein. Tent sales shall be limited to those items customarily sold out-of-doors. Sidewalk sales must be directly adjacent to the primary structure and shall not be conducted in parking or drive areas. A permit is required from the zoning administrator for all such uses. The permit shall state the time period for such sales, which may be less than the maximum period provided for herein. All temporary uses shall be subject to the following requirements:
 - a) No part of such sales operation shall be located within any required yard or transition strip.
 - b) The sales operation shall not impede or adversely affect vehicular or pedestrian traffic flow or parking maneuvers.
 - c) Existing driveways only shall be used.
 - d) Signs as permitted under section 504(6).
 - e) The sign, merchandise, and all equipment used in such sales, and all debris and waste resulting therefrom, shall be removed from the premises within three days of the termination date of the permit.
 - f) A cash bond of \$100.00 shall be provided to the township prior to issuance of the permit for tent sales only to guarantee cleanup of the site as required in the preceding paragraph 5.
 - g) A scaled drawing shall be provided with the permit application, showing thereon the location and extent of such sales.
4. Day nurseries, subject to the standards specified in chapter 22, section 2209.
5. Pet shops, provided that the animals and birds are kept entirely within the building at all times.
6. Commercial recreation facilities, such as indoor theaters, bowling alleys, indoor skating rinks or similar uses; provided, that all such uses will be conducted wholly within a fully enclosed building and that such building shall have yard setbacks of at least 100 feet from any abutting residential district boundaries.

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7. Motel or motor-hotel, provided the following conditions are met:
 - a) Minimum floor area of 250 square feet per guest unit shall be provided.
 - b) Minimum lot area of three acres is required together with a minimum lot width of 250 feet, plus there shall be no less than 400 square feet of lot area for each guest unit.
 - c) Maximum lot coverage including all buildings, both principal and accessory, shall be 40 percent.
 - d) Setback. A landscaped setback not less than 20 feet shall be provided to the extent it abuts a public or private street or freeway. A landscaped setback not less than 30 feet between buildings and interior property lines shall be provided.
 8. Signs, as provided in chapter 5.
 9. Off-street parking and loading as required and allowed.
 10. Mini-warehouse on a minimum lot of one acre. An opaque fence or wall, a minimum of six feet in height shall enclose the entire periphery of the use.
 11. Small animal veterinary clinics, provided all animals are boarded within a wholly enclosed building.
 12. Restaurants, taverns and other eating or drinking establishments which provide food or drink and/or entertainment on premises excluding drive-in service, subject to the conditions as sited under section 2218.
 13. Religious institutions, subject to the standards contained in section 2204.
 14. Social institutions, subject to the standards contained in section 2204.
 15. Blood plasma donation centers.
 - a. An indoor waiting area with a restroom shall be provided and open at least one hour prior to the opening of the center.
 - b. The storefront/façade shall be active. No mirrored, tinted or screened out/blacked out windows are permitted.
 - c. All loading and unloading shall be performed in the rear of the building. At least one designated loading area shall be provided.
 - d. Hours of operation: 7:00 a.m. to 7:00 p.m. if within 600 feet of a residential district and/or private and public schools.
 - e. Must provide a designated break area for employees, including outdoor space for smoking if permitted, as approved by staff.
 - f. Bike racks and benches may be required to be installed per the Planning Commission at specific locations as approved by staff.
 - g. Blood plasma centers shall not be located closer than 2,000 feet to another blood plasma center, as measured from property line to property line.
 16. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 692, 10-23-2006; Ord. No. 712, 1-11-2010; Ord. No. 744 , 1-11-2016; Ord. No. 771 , 9-28-2020)

Sec. 1704. Uses permitted by special use permit.

The following uses of land and structures may be permitted by the applications for the issuance of a special use permit when specified procedures of chapter 22 and the requirements as outlined in the chapter and sections cited are met:

1. Servicing and repair of motor vehicles, trailers and boats when conducted within a wholly enclosed building.
2. Building supply and equipment establishments selling retail.
3. Open air business uses such as retail sales of plant material, sales of lawn furniture, playground equipment and garden supply.
4. Drive-in businesses, including banks and drive-in facilities related to uses permitted in B-3 districts.
5. Automobile car wash, subject to site development and car wash standards cited in chapter 22, section 2212.
6. Funeral homes and mortuaries, subject to chapter 22, section 2210.
7. Drive-through restaurants subject to the standards cited in chapter 22, section 2216.
8. Personal wireless communication facilities as provided in section 2219.
9. Substance abuse rehabilitation centers subject to the standards cited in section 2213.
10. Outdoor display lots exclusively for new or used recreational vehicles, boats, trailers, farm machinery and equipment, trailers or tractors which are for sale, rent or lease shall comply with the following:
 - A. The business shall be located on a lot or parcel which has its frontage on a State of Michigan Highway.
 - B. The lot shall have a minimum of 150 feet of road frontage and at least 40,000 square feet.
 - C. All areas subject to vehicular use shall be paved in accordance with section 403 of this Ordinance.
 - D. The perimeter of the parking area, along with circulation drives, shall be defined with concrete curbing as required in chapter 4 of this Ordinance.
 - a. Exception: Landscaped islands are not required on the end of each row of parking of the display lot.
 - E. No repair or refinishing work shall be done on the lot, unless such work is performed within a wholly enclosed building in accordance with an approved site plan.
 - F. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
 - G. No vehicle or product for sale, lease or rent shall be parked or displayed within 20 feet of a public right-of-way or proposed public right-of-way.
 - H. No temporary structures are allowed.
 - I. The applicant constructs and/or occupies a permanent building of at least 800 square feet on the site.
 - J. The placement of vehicles for display is of a professional nature, such as no upside-down cars.
 - K. Night lighting shall be shielded from all adjacent residential zoned districts in conformance with section 409 of the Zoning Ordinance.

- L. Where adjoining a residential district, a decorative masonry wall six to eight feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The planning commission may approve a landscaped berm as an alternative.
 - M. A type C bufferyard is required on any side or rear property line abutting a residential district. (Fence with a 15-foot setback including shrubs and evergreens).
 - N. Display areas, storage areas and all other vehicle parking contained on the site shall comply with the parking design and layout requirements of chapter 4 of this Ordinance.
 - O. New and used trucks may be sold as an accessory use in conjunction with an approved retail recreational vehicle sales display lot, provided not more than ten percent of the outdoor display area is used to display said vehicles.
11. Sexually oriented businesses shall be permitted subject to the standards cited in chapter 22, section 2215, sexually oriented businesses and shall be subject to special approval review as required by chapter 22, special uses-special use permit requirements, but shall not be subject to section 2203, permit standards.
 12. Level 2 solar energy systems, subject to special use permit and the standards contained in section 2222.

(Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998; Ord. No. 633, 10-14-2002 ; Ord. No. 663, 5-24-2004; Ord. No. 724, 9-26-2011; Ord. No. 771 , 9-28-2020)

Sec. 1705. Dimensional requirements.

1. *Minimum lot size.*
 - a) Requirements are the same as specified for B-2 districts.
2. *Minimum yard requirements.*
 - a) Requirements are the same as specified for B-2 districts.
3. *Maximum building height.*
 - a) Requirements are the same as specified for B-2 districts.
4. *Maximum lot coverage.*
 - a) A maximum of 50 percent of the lot may be covered by all buildings or structures.
5. *Off-street parking requirements.*
 - a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).
6. *Loading requirements.*
 - a) The required number of standard berths for B-3 retail business uses and wholesale or processing uses shall be provided in amounts not less than shown in the following schedule:

Square Feet	Berths
0—6,000	1
6,001—35,000	2
35,001—75,000	3
75,001—150,000	5

Each additional—100,000	1 additional
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(Ord. No. 455, 4-22-1991; Ord. No. 678, 11-8-2004)

CHAPTER 18. B-3A COMMERCIAL (HIGHWAY SERVICE)⁸

Sec. 1801. Intent and purpose.

The B-3A districts are designed and intended to provide essential servicing to the needs of the automobile traveler on the major arterial network.

It is the purpose of this district to accommodate traveler needs and avoid undue congestion on the major transportation network. The promotion of safe and smooth traffic flow along arterials and at interchanges and the protection of adjacent properties in other zones from the adverse influences of traffic and highway service uses are prime considerations in the application of this district.

Sec. 1802. Uses permitted by "right."

The following are the principal permitted uses by "right" within a B-3A district:

1. Any retail business whose principal activity is to service the needs of the highway traveler or provide merchandise oriented to service from an automobile including drive-in businesses, restaurants, or similar uses.
2. Automobile service and repair establishments and parking garages.
3. Bus passenger terminals and stations.
4. Motels, hotels, and transient lodging facilities.

Sec. 1803. Uses permitted under special conditions.

The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the B-3A districts and as defined in chapter 2, section 202(1).
2. Signs as provided in chapter 5.
3. Off-street parking and loading as required and allowed.
4. Personal wireless communication facilities as provided in section 2219.

(Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998)

Sec. 1804. General use requirements.

1. *Qualifying conditions.*

⁸Cross reference(s)—Businesses, ch. 18.

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- a) Automobile and service repair establishments shall meet all the objectives, permitted use requirements and site development requirements set forth in chapter 22, section 2212.
 - b) Drive-in businesses shall conform with the site development standards of chapter 22, section 2212.
 - c) At all interchange areas (expressway) accessways shall be provided so that each separate use [or] as grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two accessways from a feeder road. Such accessway shall not be located closer than 300 feet to the point of intersection of an entrance or exit ramp centerline and the feeder road. In those instances where properties fronting on a feeder road are of such width or are in multiple ownerships and accessways to property cannot be provided in accord with the minimum 300-foot distance from the intersection of the feeder road and entrance or exit ramps, a marginal access road shall be provided to service such properties.
 - d) Motels or motor hotels shall conform to the conditions specified in chapter 16, section 1603(8).
 - e) Automobile car washes shall conform to site development and car wash standards cited in chapter 22, section 2212.

Sec. 1805. Dimensional requirements.

- 1. *Minimum lot size.*
 - a) Each lot shall contain a minimum of 20,000 square feet.
 - b) Each lot shall be a minimum of 100 feet in width at the building line. No lot, in any event, shall be less than 130 feet in depth.
- 2. *Minimum yard requirements.*
 - a) Each lot shall have a minimum front yard of 30 feet and said yard, except for necessary drives or walks, shall remain clear and shall not be used for loading or accessory structures.

Parking shall be permitted to encroach into the front yard after approval of a parking plan by the planning commission and provided a minimum setback of 25 feet is maintained.
 - b) Each lot shall have a total side yard of 25 feet with a minimum of ten feet on each side.
 - c) Each lot shall have a rear yard of 40 feet.
- 3. *Maximum building height.*
 - a) The maximum building height shall be three stories or 40 feet.
 - b) Exceptions refer to chapter 3, section 304.
- 4. *Maximum lot coverage.*
 - a) A maximum of 40 percent of the lot may be covered by all buildings or structures.
- 5. *Off-street parking requirements.*
 - a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).
- 6. *Loading requirements.*
 - a) Any use engaged in the sale of merchandise, including prepared foods and beverages, shall provide at least one standard loading space regardless of floor area and at least one standard loading space for each 6,000 square feet or major fraction thereof of gross floor area involved in the use.

CHAPTER 19. B-4 COMMERCIAL (GENERAL INTENSIVE)⁹

Sec. 1901. Intent and purpose.

The B-4 business districts are designed and intended to meet the needs for sites by diversified and less intensive business types. It is the purpose of this district to accommodate uses characterized by the following:

1. Customers are often served in his vehicle or has the vehicle served.
2. They are large space users.
3. They combine retail, service, wholesale, assembly, and repair activities in various ways.
4. They serve entire community and regional markets.
5. Clientele is more often other businesses and are not household oriented.

B-4 districts are generally located along major arterials and/or in proximity to rail service and/or B-3 districts and/or M districts.

Sec. 1902. Uses permitted by "right."

The following are the principal permitted uses by "right" within a B-4 district:

1. Uses permitted by "right" within B-3 districts and as therein regulated.
2. Any retail business whose principal activity is the sale of merchandise in a permanent, enclosed building.
3. Wholesale businesses.
4. Miniwarehouses on a minimum lot of one acre.
 - A. All doors, whether overhead, entry doors or otherwise, shall be coordinated to compliment the building's exterior.
 - B. Screening requirements:
 - i) When adjacent to agricultural, commercial or industrial zoned property, the development install screening around the periphery of the site as defined as buffer yard A (section 303(4),iii.).
 - ii) When adjacent to residentially zoned property, the development install screening around the periphery of the site as defined as buffer yard B (section 303(4)iii.).

When the development retains mature trees at the edge of the property, which will effectively screen the development, the planning commission may permit the retention of the trees in lieu of requiring a buffer yard in that area.
5. Manufacturing and processing establishments selling their entire output at retail on the premises.

⁹Cross reference(s)—Businesses, ch. 18.

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6. Building supply and equipment establishments.
 7. Assembly buildings including auditoriums, private clubs, fraternal organizations and churches.
 8. Public buildings and service installations.
 9. Service establishments including printing, publishing, photographic reproduction, blueprinting and related trades or arts.
 10. Automobile showrooms for new and used automobiles.
 11. Veterinary hospitals, clinics or kennels.
 12. Personal service establishments which perform personal services on the premises including barber shops, interior decorating shops, photographic studios and similar uses.
 13. Interior decorating shops.

(Ord. No. 684, 8-8-2005; Ord. No. 766 , § 1, 2-24-2020)

Sec. 1903. Uses permitted under special conditions.

The following uses of land and structures shall be permitted, subject to the conditions hereinafter imposed for each use:

1. Customary accessory uses to any of the permitted uses listed in the B-4 districts and as defined in chapter 2, section 202(1).
2. Commercial recreation facilities, such as indoor theater, bowling alley, billiard hall, indoor archery range, indoor skating rink or other similar uses; provided, that all uses will be conducted wholly within a completely enclosed building and that such building is located at least 100 feet from any front, side, or rear of any lot within an adjacent residential district.
3. Temporary outdoor uses, as specified in chapter 17, section 1703(3).
4. Drive-in theaters, golf and miniature golf courses, subject to the standards cited in chapter 22, section 2212.
5. Servicing and repair of motor vehicles, trailers and boats, when conducted within a wholly enclosed building.
6. Pet shops, provided that the animals and birds are kept entirely within the building at all times.
7. Outdoor display lots exclusively for new or used automobiles, trucks, new or used recreational vehicles, boats, trailers, farm machinery and equipment, trailers or tractors which are for sale, rent or lease shall comply with the following:
 - A. The business shall be located on a lot or parcel which has its frontage on a State of Michigan Highway.
 - B. The lot shall have a minimum of 150 feet of road frontage and at least 40,000 square feet.
 - C. All areas subject to vehicular use shall be paved in accordance with section 403 of this Ordinance.
 - D. The perimeter of the parking area, along with circulation drives, shall be defined with concrete curbing as required in chapter 4 of this Ordinance.
 - a. Exception: Landscaped islands are not required to be installed on the end of each row of parking of the display lot.

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- E. No repair or refinishing work shall be done on the lot, unless such work is performed within a wholly enclosed building in accordance with an approved site plan.
 - F. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
 - G. No vehicle or product for sale, lease or rent shall be parked or displayed within 20 feet of a public right-of-way or proposed public right-of-way.
 - H. No temporary structures are allowed.
 - I. The applicant constructs and/or occupies a permanent building of at least 800 square feet on the site.
 - J. The placement of vehicles for display is of a professional nature, such as no upside-down cars.
 - K. Night lighting shall be shielded from all adjacent residential zoned districts in conformance with section 409 of the Zoning Ordinance.
 - L. Where adjoining a residential district, a decorative masonry wall six to eight feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The planning commission may approve a landscaped berm as an alternative.
 - M. A type c bufferyard is required on any side or rear property line abutting a residential district. (Fence with a 15-foot setback including shrubs and evergreens).
 - N. Display areas, storage areas and all other vehicle parking contained on the site shall comply with the parking design and layout requirements of chapter 4 of this Ordinance.
- 8. Signs as provided in chapter 5.
 - 9. Off-street parking and loading, as required and allowed.
 - 10. Restaurants, taverns, and other eating or drinking establishments which provide food or drink and/or entertainment on the premises, including drive-through restaurants subject to the standards cited in chapter 22, sections 2216 and 2218.
 - 11. Adult entertainment businesses. [Repealed.]
 - 12. Nonmanufacturing research and development establishments including:
 - a) Laboratories, office and other facilities for research both basic and applied.
 - b) Production of prototype products, limited to the scale necessary for full investigation of the merits of the products.
 - 13. Contracting and service establishments, including offices and accompanying warehouse or shop area for plumbers, mechanical contractors, home builders and other similar uses or trades, provided:
 - a) The parcel is not directly adjacent to any residential development or zoning district.
 - b) The outdoor storage of materials and equipment, including trailers, shall be allowed under the following conditions:
 - 1) Outdoor storage shall not exceed 1,000 square feet.
 - 2) All outdoor storage shall be enclosed by a eight-foot opaque fence.
 - 3) Outdoor storage shall not be stored in height over the maximum eight-foot fence.
 - c) All vehicles over a one-ton-rated capacity must be stored within an enclosed building.
 - d) The gross area of the building used principally for storage, does not exceed 10,000 square feet.

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- e) Any prefabrication of materials or products, including equipment repairs, must be within a wholly enclosed building.
 - f) The proposed use is designed, constructed, operated and maintained in harmony with adjacent land uses or zoning districts.
14. Religious institutions, subject to the standards contained in section 2204.
 15. Social institutions, subject to the standards contained in section 2204.
 16. Day nurseries, subject to the standards specified in chapter 22, section 2209.
 17. Blood plasma donation centers.
 - a. An indoor waiting area with a restroom shall be provided and open at least one hour prior to the opening of the center.
 - b. The storefront/façade shall be active. No mirrored, tinted or screened out/blacked out windows are permitted.
 - c. All loading and unloading shall be performed in the rear of the building. At least one designated loading area shall be provided.
 - d. Hours of operation: 7:00 a.m. to 7:00 p.m. if within 600 feet of a residential district and/or private and public schools.
 - e. Must provide a designated break area for employees, including outdoor space for smoking if permitted, as approved by staff.
 - f. Bike racks and benches may be required to be installed per the Planning Commission at specific locations as approved by staff.
 - g. Blood plasma centers shall not be located closer than 2,000 feet to another blood plasma center, as measured from property line to property line.
 18. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 516, § 1, 2-28-1994; Ord. No. 561, 10-28-1996; Ord. No. 664, 5-24-2004; Ord. No. 692, 10-23-2006; Ord. No. 701, 3-26-2008; Ord. No. 744, 1-11-2016; Ord. No. 771, 9-28-2020)

Sec. 1904. Uses permitted by special use permit.

The following uses of land and structures may be permitted by the applications for the issuance of a special use permit when specified procedures of chapter 22 and the requirements as outlined in the chapter and sections are met:

1. Drive-in businesses, including banks, restaurants and drive-in facilities related uses permitted in B-4 districts, subject to the standards cited in chapter 22, section 2212.
2. Manufacturing and processing establishments selling their entire output at retail on the premises, subject to the standards of chapter 20, section 2006.
3. Open-air businesses limited to retail sales of lawn furniture, playground equipment, garden supplies, building materials, and similar items.
4. Automobile car wash, subject to site development and car wash standards cited in chapter 22, section 2212.
5. Funeral homes and mortuaries, subject to chapter 22, section 2210.

6. Sexually oriented businesses shall be permitted subject to the standards cited in chapter 22, section 2215, sexually oriented businesses, and shall be subject to special approval review as required by chapter 22, special uses-special use permit requirements, but shall not be subject to section 2203, permit standards.
7. Personal wireless communication facilities as provided in section 2219.
8. Level 2 solar energy systems, subject to special use permit and the standards contained in section 2222.

(Ord. No. 516, 2-28-1994; Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998; Ord. No. 724, 9-26-2011; Ord. No. 771, 9-28-2020)

Sec. 1905. Dimensional requirements.

1. *Minimum lot size.*
 - a) Requirements for B-4 districts are the same as specified for B-2 districts.
2. *Minimum yard requirements.*
 - a) Requirements for B-4 districts are the same as specified for B-2 districts.
3. *Maximum building height.*
 - a) Requirements for B-4 districts are the same as specified for B-2 districts.
4. *Maximum lot coverage.*
 - a) A maximum of 60 percent of the lot may be covered by all buildings.
5. *Off-street parking requirements.*
 - a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).
6. *Loading requirements.*
 - a) The required number of standard berths for B-3 retail business uses and wholesale or processing uses shall be provided in amounts not less than shown in the following schedule:

Square Feet	Berths
0—6,000	None
6,001—35,000	1
35,001—75,000	2
75,001—150,000	3
Each additional 100,000	1 additional

- b) Supplementary regulations are contained in chapter 4.

(Ord. No. 455, 4-22-1991; Ord. No. 678, 11-8-2004)

CHAPTER 20. CB-1 CAMPUS BUSINESS DISTRICT

Sec. 2001. Intent and purpose.

The Campus Business Zoning District is intended for a varying range of development from the highest intensity uses immediately adjacent to Tittabawassee Road to the lowest intensity uses adjacent to existing residential neighborhoods. It is intended to implement the designated future land use area within the comprehensive development plan called campus business and designed to:

1. Promote development that enhances Saginaw Charter Township's position as a location for corporate campuses, light industrial development that is capable of operation in such a manner as to control the external effects of the manufacturing process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and conduct operations within wholly enclosed buildings.
2. Promote development that is adjacent to existing and/or concurrent with proposed capital improvement projects, thus not burdening the township's infrastructure;
3. Facilitate development that establishes a unique visual and economic identity for Saginaw Charter Township;
4. Protect and enhance critical environmental and natural features as well as existing residential neighborhoods;
5. Develop light industrial, research, office and mixed use areas that are safe, comfortable and attractive to pedestrians; and allow a mixture of complimentary land uses that may include housing, retail, offices, commercial services, and civic uses to create economic vitality;
6. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
7. Reinforce streets as public places that encourage pedestrian and bicycle travel;
8. Encourage efficient land use by facilitating compact development and minimizing the amount of land that is needed for surface parking.

(Ord. No. 703, 9-8-2008)

Sec. 2002. Uses permitted by "right".

The following are the principal permitted uses in the CB-1 District:

1. Teaching facilities in a college or university setting, including classroom buildings, assembly halls, administrative offices, libraries, and laboratories along with vocation schools and other types of technical training facilities.
2. Hospitals, medical centers, medical offices, clinics, including accessory laboratories but excluding blood plasma centers and similar uses.
3. Laboratories, including but not limited to, life science technology and medical laboratories, including biomedical engineering, biotechnology, genomics, proteomics, molecular and chemical ecology.
4. Research, design, engineering, testing, diagnostics and pilot or experimental product development, including but not limited to medical device and alternative energy technologies.
5. Administrative and professional offices.
6. Light Industrial and manufacturing uses, when located within a wholly enclosed building.

(Supp. No. 34)

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7. Accessory buildings and uses customarily incidental to any principal use permitted.
 8. Residential uses, subject to the following:
 - a. Residential uses in conjunction with commercial uses (mixed use).
 - b. Residential uses, when located at least 1,320 feet from Tittabawassee Road, and complying with section 2004.

(Ord. No. 703, 9-8-2008)

Sec. 2003. Uses permitted under special conditions.

In developing the Campus Business District, the township acknowledges that there are uses which may be ancillary to those businesses for which the district was created. These ancillary uses are intended to act in a support function to the office, light industrial, research, etc., uses within the district. Though these uses may be independent of a use permitted by "right," these general commercial types of uses are not the primary purpose of the district and are therefore restricted in terms of size, square footage and location. Because the uses are intended to function as support, the following special conditions apply:

1. Where Campus Business District support uses, are proposed, the following development limits apply:
 - a. Uses permitted under special conditions are not intended to be located along frontage of Tittabawassee Road, as that area is designated for more intensive uses identified in Section 2002.
 - b. No single building shall be more than 30,000 square feet, with no more than 20,000 square feet designated for uses in Section 2003.2.
 - c. Loading doors shall not be visible from nor be located within 75 feet of any street or property boundary.
 - d. When a building wall is adjacent to a road or when a building wall is within 50 feet of a property, the building wall(s) shall be constructed with no less than 35 percent glass.
 - e. The aggregate floor area for uses devoted to Campus Business District support uses shall not exceed 30 percent of the gross floor area in the Campus Business District.
2. When the conditions of Section 2003.1 are met, the following uses are permitted.
 - a. Food stores.
 - b. Retail.
 - c. Business services.
 - d. Restaurants/food service.
 - e. Personal service uses.
 - f. Banks.
 - g. Entertainment.
 - h. Commercial recreation.
 - i. Day care.
 - j. Other similar services not yet classified.
 - k. Mixed use.

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3. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.
 4. Level 2 and level 3 solar energy systems, subject to the standards contained in section 2222 and issuance of a special use permit.

(Ord. No. 703, 9-8-2008; Ord. No. 771, 9-28-2020)

Sec. 2004. Campus Business District residential uses.

Campus Business District residential uses are intended to provide housing in densities and form not found elsewhere in the township. The purpose of permitting residential uses in this district is to supplement not replace, existing residential uses within the township. Uses the township wishes to encourage include creative forms of owner occupied housing, specifically attached townhomes, attached single family condominiums, traditional new urban neighborhood design and similar developments. It is not intended to permit scatter site development but creative integration of residential uses into a campus business environment. Residential uses are permitted, subject to the following:

1. Residential uses in conjunction with commercial uses (mixed use), subject to the standards in Section 2002.8.
2. Residential development, consisting of at least ten units, when located at least 1,320 feet from Tittabawassee Road when the following are met:
 - a. Uses as identified in Section 2207.4.a. through e. regardless of the underlying district noted in this section.
 - b. Minimum lot area as identified in Section 2207.f.
 - c. Design standards as prescribed in [Section] 2207.6.

(Ord. No. 703, 9-8-2008)

Sec. 2005. Dimensional requirements.

1. *Minimum yard requirements for Campus Business District principal uses.*
 - a. Each lot shall have a minimum front yard of 50 feet and said yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading or accessory structures.
 - b. Each lot shall have a total side yard of 50 feet, with a minimum of 25 feet on each side. A side yard abutting a residential (R) district or use shall be not less than 100 feet; and further, in the case of a corner lot, the side yard on the street side shall be a minimum of 50 feet.
 - c. Each lot shall have a rear yard of 50 feet. A rear yard abutting a residential (R) district shall be not less than 100 feet.
 - d. When the side or rear yard areas abut a residential (R) district, a bufferyard, as specified in Section 303.4 shall apply.
2. *Minimum yard requirements for Campus Business District uses permitted under special conditions.*
 - a. Each lot shall have a minimum front yard of 30 feet and said yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading or accessory structures.

(Supp. No. 34)

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- b. Each lot shall have a total side yard of 25 feet, with a minimum of ten feet on each side. A side yard abutting a residential (R) district shall be not less than 100 feet; and further, in the case of a corner lot, the side yard on the street side shall be a minimum of 30 feet.
 - c. Each lot shall have a rear yard of 20 feet. A rear yard abutting a residential (R) district shall be not less than 100 feet.
 - d. When the side or rear yard areas abut a residential (R) district, a buffer is required as specified in Section 303.4.
3. *Minimum yard requirements for Campus Business District residential uses.*
 - a. Mixed-use residential uses shall meet the minimum yard requirements for uses permitted under special conditions.
 - b. Residential developments as defined shall follow the lot regulations as contained in Section 2207.5.f.
 4. *Exceptions to setback requirements.*
 - a. No setback from railroads. No setback is required from a lot line that abuts the right-of-way of a railroad track. However, for the provisions of this district, if there is a R district adjacent to a railroad then a setback consistent with Section 2005.1.b. shall be provided.
 5. *Maximum building height.*
 - a. Buildings shall not exceed 100 feet, provided the following:
 - i. Any buildings within 150 feet of a residential (R) district shall not exceed two and one-half stories or 35 feet.
 - ii. Any buildings located within 151 to 200 feet of a residential (R) district shall not exceed three and one-half stories in height or 45 feet.
 - b. Exceptions (refer to Chapter 3, Section 304).
 6. *Maximum lot coverage.*
 - a. A maximum of 50 percent of the lot may be covered by buildings.
 7. *Minimum lot size.* All lots shall meet the minimum standards below, with the acknowledgement that for residential uses, which require a minimum of ten units, shall be a minimum of five acres with individual lot sizes guided by standards contained in Section 2207.5.f.
 - a. Each lot shall contain a minimum of 217,800 square feet, or five acres, unless a smaller lot size is specifically approved by the planning commission.
 - b. Each lot shall be a minimum of 250 feet in width at the front building line.

(Ord. No. 703, 9-8-2008)

Sec. 2006. General use requirements.

Uses in this district shall conform to the following standards:

1. Storage, loading and service areas: Outdoor storage of materials and/or equipment may be permitted, however, the storage areas, loading or unloading and/or delivery areas need to be creatively shielded/screened from all public views including the roadway and adjacent properties. Screening shall be accomplished by using an existing building wall, a decorative masonry wall, or a combination of a masonry wall and landscaping. All masonry walls shall be a minimum of eight feet in height and shall provide a six- to eight-foot landscaping strip on the exterior of the wall. Within this landscaping strip at

least one evergreen tree, a minimum of six feet in height, shall be provided every 20 lineal feet. When equipment or materials being stored have a height that exceeds eight feet the planning commission may require installation of a wall taller than eight feet to more appropriately screen the site.

2. Uses shall emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare except those produced by internal combustion engines under design operating conditions.
3. Uses shall emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
4. Uses shall produce no heat or glare to such an extent as to be detrimental to the health, safety, and general welfare at or beyond the lot boundaries.
5. Uses shall produce no physical vibrations to such an extent as to be determined detrimental to the health, safety and general welfare at or beyond the lot boundary.
6. Uses shall not include in the manufacturing process any production or storage of any material designed for use as an explosive.
- [7. Reserved.]
8. Uses shall conform to all local, state and applicable federal pollution control standards, including noise, air, and water quality requirements.
9. In addition to meeting the requirements of Chapter 20, Section 311 and Section 314, the planning commission may require studies, reports and additional information relative to how a proposed use will meet the performance standards in this section. This includes, but is not limited to: noise studies, odor maps, engineering analysis of proposed vibration, emission maps, schematics and renderings of the proposed buffers and buildings when viewed from the adjoining property, etc. Based on this information and/or documentation that the proposed use may deleteriously impact the adjoining property, the planning commission may require additional setbacks and screening, including time limits or restrictions on certain improvements to mitigate potential adverse effects, protect existing uses and to ensure compliance with the specific purposes and intent of the Campus Business District.

(Ord. No. 703, 9-8-2008)

Sec. 2007. Comprehensive sign plan.

A comprehensive sign plan provides a means for defining common sign regulations for multi-tenant projects and for consistency with the Campus Business District by providing incentives in the design and display of signs. A comprehensive sign plan shall be required for all developments and uses within the Campus Business District. An application for a comprehensive sign plan shall be included with the conceptual drawings, illustrations and building elevations and shall address the standards contained in this chapter. The sign plan shall be reviewed and approved by the planning commission, in association with building and site design, as a part of the site plan approval process and shall meet all the standards and requirements contained in Saginaw Charter Township's Sign Ordinance, Chapter 48.

1. An application for a comprehensive sign plan shall include information on the following:
 - a. The location of all wall, projecting, monument, and freestanding signs.
 - b. A description of the signs including construction materials, color scheme, unifying design elements, and any proposed lighting.
 - c. An itemization of sign sizes including height and area at all identified sign locations.

(Supp. No. 34)

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- d. The location of any area designated for temporary signs, and documentation of the means by which such signs may be illuminated if approved.
2. A comprehensive sign plan shall comply with the following standards:
 - a. The signs and their associated buildings shall share common design elements. The content of any sign message shall not be considered in determining whether common design elements are present.
 - b. The comprehensive sign plan shall accommodate future revisions that may be required because of changes in principal uses or tenants.
 - c. The comprehensive sign plan shall comply with the standards of this chapter, including any special allowances for sign area, number, location, and height provided for in this section.

(Ord. No. 703, 9-8-2008)

CHAPTER 21. M-1 SCIENCE AND INDUSTRY¹⁰

Sec. 2101. Intent and purpose.

This district is intended for light industrial uses with few, if any, nuisance characteristics, but also permits commercial establishments not engaged in retail sales, service establishments which are of a type engaged in retail sales, and service establishments which are of a type not generally requiring the customer to call at the place of business. The M-1 district is designed to permit manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials. It is also intended to prohibit residential uses and intensive retail enterprise as being incompatible with the primary industrial and related uses permitted.

It is the purpose of these regulations to promote sound industrial areas within the community which are also protected from incompatible uses.

(Ord. No. 703, 9-8-2008)

Sec. 2102. Uses permitted by "right."

The following are the principal permitted uses by "right" within an M-1 district:

1. Office buildings for any of the following: executive, administrative, professional, accounting or writing, clerical or stenographic, and drafting.
2. Production, processing, assembling, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, garage and machine products.
3. Production, processing, assembling, packing or treatment of articles or products from the following: previously prepared or semifinished materials, bone, hair, fur, leather or feathers, fibers, plastics, glass

¹⁰Editor's note(s)—Ord. No. 703, adopted Sept. 8, 2008, amended this appendix by redesignating Ch. 20, §§ 2001—2006, as Ch. 21, §§ 2101—2106.

Cross reference(s)—Businesses, ch. 18.

or cellophane, wood, paper or cork, sheet metal or wire, tobacco, rubber, precious or semiprecious stones, and similar articles or products which are previously prepared or semifinished.

4. Manufacturing of pottery and ceramics.
5. Manufacturing of musical instruments, toys, novelties or other small, molded products.
6. Manufacturing and assembly electronic instruments and equipment and electrical appliances and devices.
7. Laboratories, including experimental, film, testing.
8. Trade, skills or industrial schools and veterinary hospitals or clinics.
9. Public utility installations and buildings, including power, fuel, communications, and water treatment.
10. Truck terminals.
11. Contractor's establishments.
12. Wholesale, warehouses and storage buildings and yards, and wholesale firms.
13. Other uses similar and with no more objectionable character to those permitted hereby, provided they meet the requirements of section 2005.
14. Signs as provided in chapter 5.
15. Off-street parking and loading as required and allowed.
16. Manufacturing of electronics equipment, computers and similar items.
17. Nonmanufacturing research and development establishments as specified in chapter 19, section 1903(15).

(Ord. No. 703, 9-8-2008)

Sec. 2103. Uses permitted under special conditions.

The following uses of land and structure shall be permitted, subject to the conditions hereinafter imposed for each use:

1. Accessory uses clearly subordinate to the principal use of the lot or building such as:
 - a) Uses which can meet the requirements as herein specified or as defined in chapter 2, section 202(1).
 - b) Restaurant or cafeteria facilities for employees.
 - c) Caretakers' residences, if situated upon a portion of the lot complying with all of the requirements of the R-1 residential districts.
2. Signs as provided in chapter 5.
3. Off-street parking and loading as required and allowed.
4. Restaurants, taverns, and other eating or drinking establishments which provide food or drink on the premises, however, not including "drive-in" establishments.
5. Personal wireless communication facilities as provided in section 2219.
6. Roof mounted, wall mounted, or building integrated photovoltaic (BIPV) solar energy systems, and level 1 solar energy systems, subject to the standards contained in section 2222.

(Supp. No. 34)

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(Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998; Ord. No. 703, 9-8-2008; Ord. No. 771 , 9-28-2020)

Sec. 2104. Uses permitted by special use permit.

The following uses of land and structures may be permitted by the applications for the issuance of a special use permit when specified procedures of Chapter 22 and the requirements as outlined in the chapter and sections are met:

1. Religious institutions, subject to the standards contained in section 2204.
2. Social institutions, subject to the standards contained in section 2204.
3. Level 2 and level 3 solar energy systems, subject to the standards contained in section 2222.

(Ord. No. 692, 10-23-2006; Ord. No. 703, 9-8-2008; Ord. No. 771 , 9-28-2020)

Sec. 2105. General use requirements.

1. Storage activities in this district within 300 feet of any other district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors; provided, that it will not be within 300 feet of any other district. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, which fence or wall shall be at least five feet in height, but in no case shall the fence be lower than the enclosed storage up to a maximum of eight feet in height. Such storage shall be deemed to include the parking of licensed motor vehicles over 1½ tons rated capacity.
2. Retail sales are expressly prohibited except as may herein (chapter 21) be specifically allowed.
3. Uses in this district shall conform to the following standards:
 - a) Uses emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare except those produced by internal combustion engines under design operating conditions.
 - b) Uses emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
 - c) Uses produce no heat or glare to such an extent as to be detrimental to the health, safety, and general welfare at or beyond the lot boundaries.
 - d) Uses produce no physical vibrations to such an extent as to be determined detrimental to the health, safety and general welfare at or beyond the lot boundary.
 - e) Uses do not include in the manufacturing process any production or storage of any material designed for use as an explosive nor in the use of any such material in production.
 - f) Uses shall conform to all local, state and applicable federal pollution control standards, including noise, air, and water quality requirements.
 - g) Outdoor storage of sand, dirt, stone, and other similar materials shall be properly controlled or covered so as to prevent particles from blowing onto adjacent lots or creating a nuisance to the public.

(Ord. No. 703, 9-8-2008)

Sec. 2106. Dimensional requirements.

1. *Minimum yard requirements.*

(Supp. No. 34)

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- a) All structures are required to have a minimum front yard or setback of not less than 30 feet from the property line. Rear yards shall be ten percent of the lot depth, but need not exceed 40 feet. A minimum side yard of ten feet is required on each side. The total for both sides shall be 20 feet or ten percent of the width, whichever is greater. Where a lot in this district abuts a lot in any residential district, no building in the M-1 district shall be closer than 100 feet to the property line of such residential district lot.

Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten feet in width, may be used for parking and loading but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

- b) Structures and solid fences or walls shall be no closer to the lot boundary than a distance equal to twice their height. This provision shall not apply to main buildings 15 feet or less in height nor to accessory structures, fences, or walls ten feet or less in height.
- c) When the side or rear yard areas about land within a residential district and when such yard areas are to be used for parking, loading, unloading, or servicing, then such side and rear yard areas shall be effectively screened by a solid, uniformly finished wall or fence. Such wall or fence shall be at least five feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading, or servicing activity to be screened up to a maximum of eight feet in height.

2. *Maximum building height.*

- a) Buildings shall not exceed 3½ stories in height or 45 feet, provided any buildings within 75 feet of a residential district shall not exceed 2½ stories or 35 feet.
- b) Exceptions (refer to chapter 3, section 304).

3. *Maximum lot coverage.*

- a) There is no maximum lot coverage requirement for M-1 districts.

4. *Minimum lot size.*

- a) Each lot shall be a minimum 100 feet in width for nonmanufacturing land uses and a minimum of 150 feet for manufacturing uses. No lot, in any event, shall be less than 130 feet in depth.

5. *Minimum off-street parking.*

- a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).

6. *Minimum off-street loading area for M-1 uses.*

- a) Industrial or manufacturing uses and warehouse operations shall provide loading areas in amounts not less than shown in the following schedule:

Square Feet	Berths
0—10,000	1
10,001—20,000	2
20,001—50,000	3
50,001—100,000	4
Each additional 100,000	1 additional

(Ord. No. 455, 4-22-1991; Ord. No. 678, 11-8-2004; Ord. No. 703, 9-8-2008)

CHAPTER 21a. M-2 MANUFACTURING¹¹

Sec. 21a01. Intent and purpose.

This district is intended for intensive industrial uses but also permits light industrial, commercial establishments not engaged in retail sales, and service establishments which are of a type not generally requiring the customer to call at the place of business. The M-2 district is designed to permit the manufacturing, processing or assembling of semifinished or finished products from raw material as well as previously prepared material. It is also intended to prohibit residential uses and intensive retail enterprise as being incompatible with the primary industrial and related uses permitted. It is the purpose of these regulations to promote sound industrial areas within the community which are also protected from incompatible uses.

(Ord. No. 703, 9-8-2008)

Sec. 21a02. Uses permitted by "right."

The following are the principal permitted uses by "right" within an M-2 district:

1. Uses permitted by "right" within an M-1 district.
2. Heating and electric power generating plants.
3. Any manufacturing, processing, testing, assembling, storage, and distribution of materials, goods, foodstuffs and other semifinished or finished products from raw materials.

(Ord. No. 703, 9-8-2008)

Sec. 21a03. Uses permitted under special conditions.

The following uses of land and structures are permitted, subject to the conditions hereinafter imposed for each use:

1. Accessory uses that are clearly subordinate to the main use of the lot or building such as:
 - a) Uses which can meet the requirements as herein specified or as defined in chapter 2, section 202(1).
 - b) Restaurant or cafeteria facilities for employees.
 - c) Caretakers' residences if situated upon a portion of the lot complying with all the requirements of the R-1 residential districts.
2. Signs as provided in chapter 5.

¹¹Editor's note(s)—Ord. No. 703, adopted Sept. 8, 2008, amended this Appendix by redesignating Ch. 21, §§ 2101—2105, as Ch. 21a, §§ 21a01—21a05.

Cross reference(s)—Businesses, ch. 18.

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3. Off-street parking and loading as required and allowed.
 4. Communications towers (meeting requirements of section 2219).

(Ord. No. 703, 9-8-2008)

Editor's note(s)—Ord. No. 536 added as paragraph 4 "Communications towers. (Meeting requirements of § 2219)." Ord. No. 578 effectively superseded Ord. No. 536. While Ord. No. 578 did not repeal the amendment to § 2103 made by Ord. No. 536, as the obvious intent of Ord. No. 578 was to replace Ord. No. 536, the amendment made by Ord. No. 536 has been deleted.

Sec. 21a04. General use requirements.

1. *Enclosed buildings.* Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors; provided, that within 200 feet of any other district said storage shall be in completely enclosed buildings. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with a solid entrance and exit gate, which fence or wall shall be at least five feet in height, but in no case shall the fence be lower than the enclosed storage, up to a maximum height of eight feet. Such storage shall be deemed to include the parking of licensed motor vehicles every 1½ tons rated capacity.
2. *Retail sales.* Retail sales are expressly prohibited except as may herein (chapter 21a) be specifically allowed.
3. *Standards of conformance.* Uses in this district shall conform to the following standards:
 - a) Uses emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare, except those produced by internal combustion engines under design operating conditions.
 - b) Uses emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
 - c) Uses produce no heat or glare to such an extent as to be detrimental to the health, safety, and general welfare at or beyond the lot boundaries.
 - d) Uses produce no physical vibrations to such an extent as to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries.
 - e) Uses do not include in the manufacturing process any production or storage of any material designed for use as an explosive nor in the use of any such material in production.
 - f) Uses shall conform to all local, state and applicable federal pollution control standards, including noise, air, and water quality requirements.
 - g) Outdoor storage of sand, dirt, stone, and other similar materials shall be properly controlled or covered so as to prevent particles from blowing onto adjacent lots or creating a nuisance to the public.

(Ord. No. 703, 9-8-2008)

Sec. 21a05. Dimensional requirements.

1. *Minimum lot size.*
 - a) Each lot shall contain a minimum of 13,000 square feet.
2. *Minimum yard requirements.*

(Supp. No. 34)

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- a) All structures are required to have a minimum front yard or setback of not less than 30 feet from the front property line. Rear yards shall be ten percent of the lot depth, but need not exceed 40 feet. The total of the side yards shall be at least ten percent of the lot width, but need not exceed 40 feet, and may be divided between two side yards as desired. Where a lot in this district abuts a lot in any residential district, no building in the M-2 district shall be closer than 100 feet to the property line of such residential district lot.

Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten feet in width, may be used for parking and loading but not for storage. The side or rear yard may be used for parking, loading or storage where a railroad service to the site is obtained at the edge of the lot.

- b) Structures and solid fences or walls shall be no closer to the lot boundary than a distance equal to twice their height. This provision shall not apply to main buildings 15 feet or less in height nor to accessory structures, fences, or walls ten feet or less in height.
- c) When the side or rear yard areas abut land within a residential district and when such yard areas are to be used for parking, loading, unloading, or servicing, then such side and rear yard areas shall be effectively screened by a solid, uniformly finished wall or fence. Such wall or fence shall be at least five feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading, or servicing activity to be screened up to a maximum of eight feet in height.

3. *Maximum building height.*

- a) Buildings shall not exceed five stories in height or 70 feet, provided any buildings within 100 feet of a residential district shall not exceed 3½ stories or 45 feet.
- b) Exceptions (refer to chapter 3, section 304).

4. *Maximum lot coverage.*

- a) There is no maximum lot coverage requirement for M-2 districts.

5. *Minimum off-street parking.*

- a) Requirements for an allowed use shall be determined from the "Schedule of Parking Requirements" in chapter 4 (refer to section 404).

6. *Minimum off-street loading area for M-1 uses.*

- a) Industrial or manufacturing uses and warehouse operations shall provide loading areas in amounts not less than shown in the following schedule:

Square Feet	Berths
0—10,000	1
10,001—20,000	2
20,001—50,000	3
50,001—100,000	4
Each additional—100,000	1 additional

(Ord. No. 455, 4-22-1991; Ord. No. 678, 11-8-2004; Ord. No. 703, 9-8-2008)

PART III [SPECIAL USES]¹²

CHAPTER 22. SPECIAL USES—SPECIAL USE PERMIT REQUIREMENTS

Sec. 2201. Intent and purpose.

It is the intent of this section to provide a set of procedures and standards for special uses of land or structure which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the express purpose of the regulations and standards herein to allow on one hand practical latitude for the investor or developer, but at the same time maintain adequate provisions for the protection of the health, safety, convenience and general welfare of the community. The following, together with previous references in other chapters of this Ordinance, designate the requirements, procedures and standards which must be met before a special use permit can be issued.

(Ord. No. 718, 1-24-2011)

Sec. 2202. Permit procedures.

The application for a special use permit shall be submitted and processed under the following procedures:

1. *Submission of application.* An application shall be submitted through the zoning administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the local legislative body. In the event the allowance of a desired use requires both a rezoning and special use permit, both requests may be submitted jointly, subject to the following:
 - a) The ordinance procedures for each [request] shall be followed as specified.
 - b) All applicable standards and specifications required by the ordinance shall be observed.
2. *Data required.*
 - a) The special form shall be completed in full by the applicant including a statement by the applicant that section 2203 can be complied with.
 - b) Final approval of a site plan that conforms to the requirements of section 311.
 - c) Preliminary plans and specifications of the proposed development.
3. *Planning commission review and hearing.*
 - a) The planning commission shall publish notice and hold a public hearing as required for a special use review within 60 days of receiving a technically complete special use and site plan application, as required by chapter 3, site plan review requirements and procedures and chapter 22, special uses - special use permit requirements.

¹²State law reference(s)—Special land uses, MCL 125.286b, 125.286d.

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- b) The planning commission will make its recommendation regarding the special use application at the next regularly scheduled meeting of the planning commission following the public hearing held to review the application, unless additional information is required from the applicant. If additional information is required, the planning commission will make its recommendation at the next regularly scheduled meeting after receipt of the requested additional information, provided the additional information is received no later than 15 days prior to the meeting.
 - c) The recommendation of the planning commission shall be forwarded to the township board within 60 days of the approval of the minutes of the meeting at which the planning commission issues its recommendation. The township board will consider the recommendation of the planning commission and render its decision to grant or deny a special use permit, or to grant approval with conditions, as stipulated by this Ordinance at this meeting, within 60 days of the receipt of the application recommendation from the planning commission, unless additional information is requested. If additional information is requested, the township board will make its decision at the next regularly scheduled township board meeting after receipt of the requested additional information, provided the additional information is received no later than 15 days prior to the meeting.
 - d) Failure of the township to act within the above-specified time limits shall not be deemed to constitute the grant of a special use permit.
4. *Township board action.* Upon receipt of the planning commission's recommendation, the township board shall consider the special use permit application within the time frame as stated in 3.c) above. The township board shall approve or disapprove the recommendation of the planning commission. Only upon approval by the township board may a special use permit be issued by the zoning administrator.
5. *Expiration and extensions of special use permits.*
- a) *Expiration:* A special use permit issued pursuant to this chapter shall be valid for one year from the date of issuance of said permit. If construction or change in use has not commenced and proceeded meaningfully toward completion by the end of this one-year period, the zoning administrator shall notify the applicant in writing of the expiration of said permit, and no further notice or hearing shall be required.
 - b) *Extensions:* Upon written application prior to expiration, the township board may authorize an extension of the time limit of the site plan approval for a period not to exceed one year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The township board may require compliance with any amendments to the zoning ordinance since the site plan was originally approved.
6. *Suspension or revocation.*
- a) The township board shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements in chapter 22 or other applicable requirements or the standards as set forth in 6.b) or c) below.
 - b) The township board may suspend or revoke a special use permit if one or more of the following circumstances should be found to exist:
 - i. The special use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use; or

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- ii. Compliance with the special use permit and any conditions have not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful; or
 - iii. The special use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant and/or his/her agent; or
 - iv. The operation of the use granted by the special use permit has created a risk or danger to the public health, safety or welfare
- c) The township board may also suspend or revoke a special use permit upon a finding that conducting or omitting any act, or permitting any condition to exist in connection with the special land use, is:
- i. Contrary to the health, morals, safety or welfare of the public; or
 - ii. Unlawful, irregular or fraudulent in nature; or
 - iii. Unauthorized or beyond the scope of the special use permit granted;
 - iv. Forbidden by the provisions of this Ordinance or any other duly established rule or regulation of the township applicable to the business for which the license has been granted; or
 - v. A nuisance upon or in connection with the premises including, but not limited to the following:
 - 1. An existing violation(s) of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes or ordinance; or
 - 2. A pattern of patron conduct in the neighborhood of premises which is in violation of the law and/or disturbs the peace, order and tranquility of the neighborhood; or
 - 3. Failure to maintain the grounds and exterior of the premises free from litter, debris or refuse blowing or being deposited upon adjoining properties; or
 - 4. Failure to maintain the grounds and exterior of the premises in accordance with an approved site plan.
- d) Procedure for suspension or revocation of license.
- i. If the zoning administrator determines that a holder of a special use permit has committed a violation of this Ordinance, the zoning administrator shall prepare a report in writing specifying (1) the specific factual details of such violation(s), and (2) the particular ordinance subsection(s) violated.
 - ii. The zoning administrator shall file the original report so prepared with the township manager. The township manager shall conduct an investigation of the facts contained in such report, and upon belief that such facts provide evidence of a violation of this Ordinance, shall provide a copy to the township board, and serve a copy of such report upon the holder of the special use permit or its authorized agent or employee personally or by registered mail.
 - iii. Within 20 days from the date such report has been filed with the township board, the township clerk shall set a date for a hearing within a reasonable period of time before the township board on the alleged violation(s) for a determination by township board as to whether or not the special use permit shall be suspended or revoked. Notice of the hearing shall be served by the township clerk upon the holder of the special use permit or its

authorized agent or employee personally or by registered mail not less than 15 days before a scheduled hearing date, and such notice shall advise the holder of the permit of its right to be represented by legal counsel at the hearing before the township board.

- iv. At all such hearings, the special use holder of the permit shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being able to present witnesses in its own behalf, by being allowed to present arguments, personally or through legal counsel in its own behalf.
- v. The township board shall prepare a written statement of its findings within 30 days of the conclusion of all such hearings and shall serve such findings with the licensee either personally or by registered mail. If the township board decides that the special use permit shall be suspended or revoked, the holder of the permit shall not thereafter conduct, operate or carry on the business for which the special use permit was granted unless and until a new special use permit is issued.

7. *Right to challenge decision.* An applicant who has been denied a special use permit, or whose special use permit has been suspended or revoked, may file an action challenging that denial in a court of competent jurisdiction. No application for a special use permit, which has been denied wholly or in part, shall be resubmitted to the township for a period of one year from the date of said denial, except on the grounds of new evidence or proof of changed conditions.

(Ord. No. 693, 11-27-2006; Ord. No. 718, 1-24-2011; Ord. No. 724, 9-26-2011)

Sec. 2203. Permit standards.

Before formulating recommendations on a special use permit application, the planning commission shall establish that the following general standards, as well as specific standards, shall be satisfied:

1. *General standards.* The planning commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:
 - a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity [and] that such a use will not change the essential character of the area in which it is proposed.
 - b) Not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to the property in the immediate vicinity and to the community as a whole.
 - c) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.
 - d) Not create excessive additional requirements at public cost for public facilities and services.
 - e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - f) Be consistent with the intent and purpose of the zoning district in which it is proposed to locate such use.
2. *Conditions and safeguards.* The planning commission may recommend and the legislative body may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this

Ordinance will be observed. The breach of any conditions, safeguards, or requirement shall automatically invalidate the permit granted.

3. *Specific requirements.* The general standards and requirements of this section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements, which must be met by those uses in addition to the foregoing general standards and requirements where applicable.
4. *Permitted use.* Uses permitted by special use permit shall be those listed by districts as noted in Part II and as herein regulated, controlled or defined.

(Ord. No. 718, 1-24-2011)

Sec. 2204. Institutional uses.

1. *Authorization.* In recognition of the many institutional types of nonresidential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this section may be authorized by the issuance of a special use permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this section, can be complied with.
2. *Uses.* The following uses may be authorized in those districts as noted in Part II and provided the applicable conditions are complied with:
 - a) *Institutions for human care.* Hospitals, sanitariums, nursing or convalescent homes, homes for the aged, and philanthropic and charitable institutions.
 - b) *Religious institutions.* Places of worship and premises used by a religious organization for worship along with any accessory uses on the same lot so long as they are subordinate, incidental to, and customarily found in connection with the primary use. Typical accessory uses may include a parish hall, a playground or picnic pavilion, or a daycare/nursery school.
 - c) *Educational and social institutions.* Public and private elementary and secondary schools, and institutions for higher education, provided, that none are operated for profit; auditoriums and other places of assembly; and centers for social activities, including charitable and philanthropic activities, other than activities conducted as a gainful business or of a commercial nature.
 - d) *Public buildings and public service installations.* Publicly owned and operated buildings, public utility buildings and structures, transformer stations and substation, and gas regulator stations.
3. *Institutions specifically prohibited.* The following types of uses, but not limited to those enumerated, shall not be permitted in any residential district but may be allowed in an agricultural district.
 - a) Institutions for human care.
 - b) Camps or correctional institutions.
4. *Site location principles.* The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable, depending upon the specific conditions of each situation, but they shall be applied (by the planning commission) as general guidelines to help assess the impact of an institutional use upon the district in which such use is proposed to be located.
 - a) Any institutional structure or use to be located within a residential district should preferably be located at the edge of a residential district, abutting either a business or industrial district, or adjacent to a public open space.

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- b) Motor vehicle entrances should be made on a major thoroughfare or as immediately accessible from a major thoroughfare as to avoid the impact of traffic generated by the institutional use upon a residential area.
 - c) Site locations that offer natural or manmade barriers that would lessen the effect of the intrusion of the institutional use into a residential area are preferred.
5. *Development requirements.* A special use permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements. These requirements are not alterable except as noted:
- a) *Institutions for human care.*
 - i) The proposed site shall be at least five acres in area.
 - ii) The proposed site shall have at least one property line abutting a major or minor arterial or principal collector as classified on the adopted major street plan. All ingress and egress to the off-street parking area (for guests, employees, staff) shall be directly from the arterial or collector street.
 - iii) All two-story structures shall be at least 60 feet from all boundary lines or street lines. Buildings less than two stories shall be no closer than 40 feet to any property or street line. For buildings above two stories, the building shall be set back from the initial 60-foot setback an additional one foot for each foot of additional height above two stories.
 - iv) No more than 25 percent of the gross site shall be covered by buildings.
 - v) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six feet in height. Access to and from the delivery and ambulance area shall be directly from a major, minor, or principal collector thoroughfare.
 - vi) All signs shall be in accordance with the schedule outlines in chapter 5.
 - vii) Off-street parking space shall be provided in accordance with the schedule outlined in chapter 4.
 - b) *Places of worship.*
 - i) The proposed site shall be at least one-half acre in size plus one-half per 100 seats in the main auditorium.
 - ii) The proposed site shall be so located as to have at least one property line on a major, minor or collector street as classified by the adopted street plan. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.
 - iii) No building shall be closer than 40 feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial 40 feet an additional one foot for additional height above the district height limitation.
 - iv) No more than 25 percent of the gross site shall be covered by buildings.
 - v) All signs shall be in accordance with the schedule outlined in chapter 48 of the Saginaw Charter Township's General Ordinances.
 - vi) Off-street parking spaces shall be provided in accordance with the schedule outlined in chapter 4.
 - c) *[All other uses.]* For all other uses that may be permitted except as previously controlled, and except public utility transformer stations, substations, gas regulator stations, and housing for religious personnel attached to a church or school function:

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- i) The proposed site shall be at least one-half acre in area.
 - ii) No building shall be closer than 40 feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located, except as may be provided under height exceptions for the district in question.
 - iii) No more than 25 percent of the gross site area shall be covered by buildings.
 - iv) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
 - v) All signs shall be in accordance with the schedule outlined in chapter 5.
 - vi) Off-street parking shall be provided in accordance with the schedule outlined in chapter 4. No parking space shall be provided in the front yard, and the parking area shall be screened from surrounding residential area by a wall or fence in combination with suitable plant material not less than five feet in height.
- d) *For public utility transformer stations and substations, gas regulator stations, and housing for religious personnel attached to a church or school function:*
- i) Lot area and lot width shall be not less than that specified for the district in which the proposed use should be located.
 - ii) Yard and setback requirements shall not be less than that specified for the district in which the proposed use would be located.
 - iii) No building shall be erected to a height greater than that permitted in the district in which the proposed use would be located.
 - iv) Not more than 25 percent of the lot area may be covered by buildings.
 - v) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
 - vi) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
 - vii) All signs shall be in accordance with the schedule outlined in chapter 5.
 - viii) Off-street parking space shall be provided in accordance with the schedule outlined in chapter 4.

(Ord. No. 692, 10-23-2006)

Sec. 2205. Golf courses and country clubs, tennis, racket sport, and swimming facilities.

1. *Authorization.* In recognition of the need for open space and recreational facilities to serve persons living and working within agricultural, residential and office-business areas, certain uses as stated in this section are considered to be compatible within the aforementioned districts. Such open space and recreational uses are only deemed compatible within residential, agricultural or office-business districts when authorized under Part II and by issuance of a special use permit pursuant to district allowance and all standards herein specified.
2. *Uses.* The following uses may be authorized pursuant to district allowance, provided the applicable requirements are complied with:
 - a) Golf courses and ancillary golf driving ranges.

(Supp. No. 34)

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- b) Country clubs and ancillary golf driving ranges.
 - c) Tennis, racket sport, and swimming facilities (public or private). Accessory uses for the above uses shall be constructed to include restaurants and other eating or drinking establishments and such retail sales directly connected with the conduct of the principal use.
3. *Site location principles.* The following principles shall be used in evaluating the proposed location of a permitted use under section 2205:
- a) Allowed use should be accessible from a major or minor arterial street or principal collector as classified by the adopted major street plan.
 - b) Site location should be allowed which enhance the natural environment and amenities of urban life.
4. *Development requirements.* The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures:
- a) Minimum site shall be 50 acres or more and access shall be so designed as to provide all ingress and egress directly onto or from an arterial or principal collector thoroughfare; provided, however, that the minimum site for tennis, racket sport and swimming facilities may occupy no less than four acres.
 - b) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
 - c) Off-street parking shall be provided as required in chapter 4, which shall include additional spaces which may be required for such accessory uses as a restaurant or bar.
 - d) Signs shall be in accordance with the schedule outlined in chapter 5.
 - e) Minimum yard standards shall be the dimensional requirements of the district in question. No building shall be erected to a height greater than that permitted in the district in which it is located, except as may be provided under height exceptions for the district in question.

Sec. 2206. Mobile home park development special use permit.

1. *Authorization.* Mobile home park developments are herein recognized as fundamentally a residential use and that treating mobile home parks as a residential classification, subject to particular conditions and standards, will best promote the public health, safety, comfort, convenience, prosperity, and the general welfare as set out in this Comprehensive Zoning Ordinance.

The special features and demands of mobile home parks require full considerations of their site location, design and improvement; their demands upon public services and utilities; and their relationship to and effect upon adjacent land uses. Mobile home park developments, because of their nature, are permitted, where compatible, pursuant to district allowance under chapter 9, A-2 agricultural district.

The planning commission with approval of the township board may authorize the construction, expansion or operation of a mobile home park within an allowed district, subject to all the conditions and standards herein set forth.

2. *Uses.* A mobile home park development may include any or all of the following uses; provided, that a plan of the proposed development is approved by the State of Michigan in accordance with Public Act No. 243 of 1959, as amended, and provided further that said development proposal meets the standards and conditions and all other provisions as herein established.

Editor's note(s)—Public Act No. 243 of 1959 (MCL 125.1001 et seq.) is inapplicable to the above. Successor provisions are found in the Mobile Home Commission Act (MCL 125.2301 et seq.).

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- a) Mobile homes designed for occupancy as a single-family dwelling unit, and containing a minimum of 720 square feet of living area within the mobile home.
 - b) Accessory buildings and services required for normal operation of the mobile home park. Such establishments or service facilities shall be designed and intended to serve frequent trade or needs of persons residing within the park and may be permitted, provided that such uses:
 - i) Shall not occupy more than ten percent of the area of the park.
 - ii) Shall be subordinate to the residential character of the park.
 - iii) Shall present no visible evidence of commercial character to any area outside of the park boundaries.
 - c) Maintenance building for conducting the operation and maintenance of a mobile home park. Only one permanent building can be established; however, a caretaker's residence may be established within or in addition to said permanent building.
 - d) Mobile home sales and display areas, provided it is an accessory use to the mobile home park and the following conditions are met:
 1. Display areas for mobile homes must be compatible with the residential character of the park and maintained in a residential setting.
 - a) All mobile homes displayed for sale must be provided with a stand consisting of a solid concrete pad not less than four inches thick and not less than the length and width of the mobile home placed upon it.
 - b) Protective skirting shall be placed around the area between the ground surface and the floor level of each mobile home displayed so as to prevent that area from forming a harborage of rodents, to avoid the creation of a fire hazard, or to expose unsightly conditions.
 - c) Concrete walkways shall be installed leading from one mobile home site to another.
 - d) Suitable landscaping shall be installed adjacent to each mobile home so as to effectuate a residential setting.
 - e) Parking shall be provided in accordance with the provisions contained within the general off street parking and loading standards cited in chapter 4 of this Zoning Ordinance.
 - f) Storage of mobile homes for sale (inventory) shall be located within a designated area of the park that is not visible from outside the park.
 2. The planning commission may require other site improvements not listed within section 2206 to help insure that the display area is maintained in a residential character and that it does not have a detrimental effect on adjacent properties.
 3. *Uses specifically prohibited.* It shall be unlawful for any person to construct, establish, maintain, operate, alter or extend any mobile home park within the limits of the community except under the provision as herein set. It is further required that no recreation equipment or vehicles such as campers or camper trailers, snowmobiles, boats or items of similar character shall be parked or stored upon an individual mobile home site. Storage or parking shall be within a common facility or area provided as an integral part of the mobile home park.
 4. *Development requirements.* The following minimum requirements, guidelines, and standards shall be used in considering the issuance of a special use permit for a mobile home park.

In addition to the provisions to this Ordinance, all mobile home parks shall comply with Public Act No. 243 of 1959, as amended, proof of which shall be established by presentation of a certified copy of construction permit issued by the state prior to final approval of special use permit.

If any of the requirements of this section are less restrictive than the State Act (Public Act No. 243 of 1959, as amended) the state requirements shall prevail.

Editor's note(s)—Public Act No. 243 of 1959 (MCL 125.1001 et seq. is inapplicable to the above. Successor provisions are found in the Mobile Home Commission Act (MCL 125.2301 et seq.).

5. *Park site standards.*

- a) Minimum site size for mobile home park shall be 15 acres.
- b) Minimum number of mobile home spaces shall be 60. At least 60 mobile home spaces shall be completed and ready for occupancy along with related park improvements before first occupancy.
- c) Minimum length of residential occupancy shall be 30 days and no mobile home shall be admitted to any park unless it meets the requirements of subsection (d) as follows.
- d) Minimum standards for plumbing, heating, electrical systems and construction shall be those set forth in the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing an Urban Development being 24 CFR 3280, as amended.
- e) Arterial right-of-way. The developer shall deed to the county road commission any additional arterial streets right-of-way required under road classification standards.
- f) Minimum site location standards require each proposed site to have at least one property line not less than 150 feet in length abutting an arterial street as defined by the major street plan. All ingress and egress points shall be provided directly from said arterials or collector streets. The arterial or collector road shall be paved and of sufficient design capacity as required by the Saginaw County Road Commission to safely and effectively handle any increased traffic generated by the mobile home park. If the arterial road does not meet the required standards of the Saginaw County Road Commission, the developer of the mobile home park shall pay the cost of the improvements on the roadway abutting the mobile home park site which are necessary before a special use permit is granted.
- g) Minimum site access standards require a minimum of two site access points and all points of entrance or exit from the mobile home park are to be paved to a minimum width of 24 feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than 200 feet from the intersection of any two arterial streets, and no street parking shall be allowed within 100 feet of intersection with public street.
- h) Maximum height for any building or structure shall not exceed (2½ stories or 35 feet.
- i) Each entrance to a mobile home park development shall be permitted to have a maximum of one ground-mounted sign not exceeding 24 square feet. The sign may be lighted, provided the source of the light is not visible and not the flashing or intermittent type. The sign shall not be located within any road right-of-way or proposed road right-of-way as defined in section 303.
- j) Minimum site yard dimensions require that no mobile home or any building upon the premises shall be located closer than 60 feet from any property line.

6. *Mobile home space standards.*

- a) The design and development of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission or its successor, which are hereby incorporated by reference as part of this Ordinance.

- b) Mobile homes must be tied down sufficiently to withstand shifting, overturning, and blowing away in sustained winds up to 80 miles per hour or buckling due to pressure of tie down straps.

7. *Utilities standards.*

- a) Sanitary sewer and water facilities to all mobile homes shall be connected to public facilities. Mobile home parks are permitted only with connection to public facilities. The developer shall submit a report from a civil engineering firm showing the effect of the proposed development on the existing township sewer and water system.
- b) Electric lines to each mobile home park space shall be installed underground and specially designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.
- c) Natural gas service to each mobile home park space shall be installed underground. When separate meters are installed, each meter shall be located in a uniform manner.

8. *Parking, streets, and walkways.* All driveways, streets, parking areas and walkways within the mobile home park shall be provided with surfacing of bituminous or concrete which shall be durable and well drained and adequately lighted with lighting units so spaced and of such capacity and height for safety and ease of movement of pedestrians and vehicles at night.

- a) Minimum parking standards of two spaces per mobile home are required and required parking shall be off-street parking and shall be so located as to be convenient to residents and visitors.
- b) Park street standards provide that each mobile home space shall have access to a street which shall meet the following specification where appropriate to its character.

Minimum Pavement Widths		
Parking Allowance	Traffic Flow	Minimum Paved Width (feet)
No Parking	1 or 2 way	30
Parking 1 side	1 or 2 way	30
Parking 2 sides	1 or 2 way	36

All permitted on-street parking shall be parallel and so arranged as not to impair the free movement of traffic or the safety of residents or visitors.

- c) Curb and gutter shall be provided for all streets and all street construction shall be in accordance with specifications as required by the Saginaw County Road Commission.
- d) Walkway standards provide that walks [to] be provided from mobile homes to service buildings and mobile home facilities shall be at least four feet in width and walks used in common by one to three mobile homes shall be at least 30 inches in width.
- e) Lighting. The developer shall submit a park lighting scheme previously approved by Consumers Power Company.

9. *Buffers, landscaping and recreation.*

- a) Greenbelt buffer of 20 feet in width shall be located within the 60-foot yard area as established herein. This greenbelt shall be established and continually maintained and shall consist of trees and shrubs to protect privacy for the mobile home residents and to shield the mobile homes from surrounding areas. The greenbelt shall contain at least one row, either straight or staggered, of deciduous and/or evergreen trees spaced not more than 40 feet apart and at least three rows of deciduous and/or evergreen shrubs spaced not more than eight feet apart.

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- b) Fence requirements provide that a fence be built around the site of not less than five feet nor more than six feet in height, constructed of woven wire or open metal or wood pickets or boards or masonry, or any combination thereof.
 - c) Recreation space standards provide that common recreation space of not less than ten percent of the gross mobile home park area shall be developed and maintained by the mobile home park owner. This area shall not be less than 100 feet in its smallest dimensions and its boundary no further than 500 feet from any mobile home space within its service area.

Yard requirements as set out in this Ordinance are not to be defined as recreational areas in obtaining the minimum area of ten percent as set forth herein.

- d) Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

10. *Public health and safety.*

- a) Storage, collection and disposal of refuse and garbage shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, fire hazards, or pollution of air or water bodies. All refuse and garbage shall be collected at least once weekly through a suitable public or private agency, if available. If such is not available, the mobile home park owner shall provide this service. Garbage containers shall be located in a uniform manner at each mobile home space and so designed to be of a permanent character or located out of general view of the public.
- b) Suitable fire hydrants shall be installed in all mobile home parks in conformation with the determination of the fire chief.
- c) To aid protection of the public safety, an orderly street naming system and numbering system shall be established by the mobile home park owner, and a plan of this system shall be verified by the local Post Office Department and filed with the community fire and police department. Mobile home space numbers shall be located uniformly on each space throughout the mobile home park and street names shall be adequately marked.
- d) Dogs, cats, or other pets shall not be permitted to run at large or to commit any nuisance within the park.
- e) Cooking shelters, barbecue pits or grills and fireplaces shall be so located, constructed, maintained and used as to minimize fire hazards and smoke or odor nuisances both on the site and on neighboring property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.

11. *Miscellaneous provisions.*

- a) *(Resident) supervision and maintenance.* The mobile home park shall be operated in compliance with the provisions of this Ordinance, and the mobile home park owner(s) shall provide a designated individual, in residence, to adequately supervise and maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.
- b) *Performance bond.* Upon granting a special use permit, a bond, executed by any surety company authorized to do business in the State of Michigan, may be required to be delivered to the township board by the applicant for the faithful performance of the provisions of this Ordinance and conditions of the special use permit. Said bond shall be in an amount to be determined by the township board and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any mobile home park within a period of time to be determined as a condition of the special use permit.

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- c) *[Annual inspections.]* Inspection of mobile home parks is authorized and the building inspector is directed to make at least yearly inspections of the premises to insure conformance with these ordinance provisions and all other applicable codes and regulations. The chief of the local fire department or his designated representative is directed to make at least yearly inspections of the premises to insure adequate provisions for fire protection are being observed in the interest of the public safety.
 - d) *[Television antennae.]* Master television antenna shall be provided by the mobile home park development with underground connection to each homesite. No television antennas shall otherwise be provided or allowed within the mobile home park.
 - e) *[Sale or lease restricted.]* No lot within the mobile home park development shall be sold or leased for more than five years by the proprietor thereof or by his heirs, executors, administrators or legal representatives.
 - f) *[Sectional or component homes.]* Sectional or component homes as a permitted use are allowed within a mobile home park development, subject to all site requirements for residential uses as permitted in R-1 residential district, and further that only up to 25 percent of total allowed units within the park may be for sectional or component homes or a combination not to exceed 25 percent.

(Ord. No. 620, 7-16-2001)

Sec. 2207. Planned unit development.

1. *Authorization.* Rapid and intensive urbanization over the past decades has produced a need for an economical single-family living unit that is adaptable to urban densities, while retaining many of the attractive features of the suburban home. Among the housing concepts emerging to meet this need are townhouses, row houses, garden apartments, and similar types of housing units with common property areas, cluster types of subdivisions in which housing units are arranged in cluster forms with clusters separated from each other by common open space, and housing units developed with related recreational space, such as golf courses, swimming pools, private parks, community centers, and other recreational facilities.

It is the purpose of this section to permit greater flexibility and encourage more imaginative design of large parcels in residential areas than is possible under conventional zoning regulations without sacrificing established values and rights to adequate light, air, noise, and privacy. Rather than having specific standards applied to a development, the process of negotiation will play a significant role. Negotiation will allow each project to be reviewed on its own merits and considered in terms of what the site can bear rather than in terms of what is allowable under conventional regulations. Criteria set forth within this section will allow a planned reduction of averaging of individual lot area requirements for each zone district, providing the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a landowner, or groups of landowners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of the tract of land as one complex land use unit rather than an aggregation of individual buildings located on separate unrelated lots.

A planned unit development shall be designed to achieve compatibility with the surrounding area, to encourage economy and efficiency in providing public services and utilities, and to bolster the development of more useful open spaces. A premises basic to this Ordinance is to consider only developments that will result in lasting value and make a contribution to both social and economic stability in the township. Finally, because flexibility is inherent in the concept of a planned unit development, a higher degree of public direction and scrutiny is an essential part of this Ordinance. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned unit development, providing the standards, procedures, and requirements set forth in this section can be complied with.

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2. *Objectives.* The following objectives shall be considered in reviewing any application for a special use permit for planned unit development:
- a) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - b) To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
 - c) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
 - d) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
 - e) To encourage variety in the physical development pattern in the community by providing a mixture of housing types.
3. *Definitions.*
- a) *Planned unit development.* A residential development planned and developed as a unit under unified control according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities, and services which will be for the common use of the occupants of the planned unit development.
 - b) *Common yard areas.* The area in a condominium project of a planned unit development that is utilized as part of the required setbacks for structures, including the area between the front of the structure and the street.
 - c) *Common open space.* Lands that are required to be set aside as part of the lot averaging or reduction requirement of this section. These lands shall be under the common ownership of all residents in the planned unit development and are to be used for park, recreation or environmental amenity. Common space shall not include public or private streets, driveways, or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed. The total impervious area of roofs and paving shall constitute not more than one percent of the total open space.
 - d) *Attached single-family dwelling.* A single-family dwelling unit attached to one or more other single-family dwelling units by means of a common party wall or by a connecting wall or similar architectural feature, such as a garage or carport, and with such dwelling having its own doors which open outdoors.
 - e) *Detached single-family dwelling.* A detached building containing only one dwelling unit.
 - f) *Homeowners' association.* An association of all owners of a project organized for the purpose of administering, managing and maintaining the common open space and common property and facilities. This association shall be described in all covenants, deeds, or other recorded legal documents which affect the title to any land within the development.
4. *Uses that may be permitted.* The following uses of land structures may be permitted within planned unit developments, subject to the district limitation as thereafter listed:
- a) Single-family (in R-1A district).
 - b) Two-family dwellings (in R-2, R-3, or R-4 districts).
 - c) Townhouses and other similar housing types which can be defined as a single-family dwelling unit with no side yard between adjacent units within a structure; and further, the attached dwelling units shall offer separate and individual family living units with no other family living unit above or below it (in R-1A, R-2, R-3, or R-4 districts); provided, that in R-1A zones the density shall not exceed three units per acre and that a contiguous group with a uniform building line shall not exceed 160 feet in length within

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- R-1A or R-2 districts. Furthermore, said units shall not have their common walls overlap by more than 30 percent so as to effectuate an offset of each dwelling unit contained within a structure.
- d) Garden apartments, which are multiple-family structures that provide separate and individual living units at more than one level or story within a common structure of up to 2½ stories, but not exceeding 35 feet in height (in R-3 or R-4 districts).
 - e) Recreation and open space (in R-1A, R-2, R-3 or R-4 districts); provided, that only the following land uses may be set aside as common land for open space or recreation use under the provision of this section: private recreational facilities, such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development, historic building sites or historical sites, parks and parkway area, ornamental parks, extensive areas with tree cover, areas of rough terrain when such areas have natural features worthy of scenic preservation.
 - f) Customary accessory uses, as permitted in districts where located.
 - g) Planned neighborhood shopping centers (in an R-3 or R-4 district), provided all standards of section 2208 are met and provided planned unit development contains a minimum of 40 acres.
5. *General development standards.* Any application for a special use permit shall meet all of the following conditions in order to qualify for consideration as a planned unit development:
- a) *Minimum project area.* The planned unit development site shall be not less than ten acres in area.
 - b) *Common open space.* Common open space shall be distributed more or less uniformly throughout the total site area. Wherever possible open space shall be encouraged to be set aside in large blocks of land. Deliberate efforts must be made to preserve important landscape features and amenities of long-term value and use these features as key components of design. Common yard areas shall not be utilized as common open space.
 - c) *Unified control.* All common lands within a proposed planned unit development shall be under the control of a single applicant, with that applicant being an individual, partnership, corporation, or group of individuals, partnerships or corporations.
 - d) *Utilities.* Planned unit developments shall provide for the underground installation of utilities, including, electricity and telephone. An application shall not be approved until assurance is given that public sanitary sewer and water service will be provided to the development.
 - e) *Density computation.* The lot area for planned unit developments within residential districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:
 - 1) *Site acreage computation.* The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots or dwelling units.
 - 2) *[Gross acreage figure.]* In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:
 - a) Lands utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, road easements, or other similar lands which are not available to the owner because of such easements.
 - 3) *Maximum number of lots and dwelling units.* After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way

purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned unit development is located.

- a) The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

District Use	Percent of Project Area
R-1A, R-2 (single-family, detached)	25
R-3, R-4 (single-family detached townhouses, two-family, multifamily)	20

These percentages shall apply regardless of the amount of land actually required for street right-of-way.

- 4) *Density bonus.* Recognizing that good project planning, with provisions for adequate and developed open space and sound site design minimize the effects of crowding associated with higher densities, the developer at the time of submission of a request for issuance of a special use permit may also request a maximum of up to ten percent increase in permitted dwelling unit density as computed above.
 - a) Said request may be granted as a condition of special use permit, provided increased density does not result in creation of any of these conditions:
 - 1) Inconvenience or unsafe access to the planned development. Traffic congestion in streets which adjoin the planned development.
 - 2) An excessive burden on public services or utilities, including schools which serve the planned development.
 - 5) *[Density of project; how determined.]* When more than one zoning district is involved in an application for a planned unit development, the density of the project will be based on the average of the zoning districts involved, weighted in direct proportion to the size of the property within the project in each zone.
 - f) *Permissive minimum lot area.* Notwithstanding other procedures set forth in this section, lot sizes within planned unit developments shall not be varied or reduced in area below the following minimum standards:
 - 1) One-family detached dwelling structures: 8,250 square feet of lot area.
 - 2) Two-family dwelling structures: 9,350 square feet of lot area.
 - 3) Townhouses, row houses, or other similar permitted dwelling types: 4,000 square feet of lot area for the first dwelling unit in each structure plus 2,800 for each additional dwelling unit within a structure.
 - 4) Garden apartment structures: 4,000 square feet of lot area for the first dwelling unit in each structure plus 2,250 square feet of lot area for each additional dwelling unit within the structure.
6. *Design standards.* A planned unit development project shall be developed in accordance with the following standards:
- a) *Site perimeter.*
 - 1) Where a planned unit development abuts a residential or commercial zoning district, all structures shall be at least 30 feet from any perimeter boundary line, except that structures in

excess of 40 feet in length shall be set back an additional foot for every five feet by which the building exceeds 40 feet.

- 2) Where a planned unit development abuts a residential zoning district, no intensive recreational building or facility shall be located within 50 feet of any perimeter boundary line.
 - 3) Except for single-family detached dwelling units, where a planned unit development abuts a residential district, no parking area shall be within 40 feet of any perimeter boundary line.
- b) *Dimensional requirements.*
- 1) *Front yard.* Sixty [feet] from the centerline of the road for dwellings. Front yard requirements may be varied by the planning commission after consideration of common greens or other common open space. In no case shall front yard setbacks be less than 50 feet from the center of the road.
 - 2) *Side yard.* Ten feet on each side for all one-family and two-family dwellings; for townhouses or row houses, provided that there shall be a minimum of 20 feet between ends of contiguous groups of dwelling units. Side yard requirements may be varied by the planning commission after consideration of common greens or other common open space. In no case shall side yard setbacks be reduced below six feet on each side or 12 feet between contiguous groups of buildings.
 - 3) *Rear yard.* Twenty-five feet for all dwellings. Rear yard requirements may be varied by the planning commission after consideration of common space lands or parks which abut the rear yard.
 - 4) *Lot width.* Lot width requirements may be varied from by the planning commission after consideration of the common greens or other common open space.
 - 5) *Maximum permissive building height.* Two and one-half stories but not exceeding 35 feet. Accessory buildings shall not exceed a height of 15 feet.
 - 6) *Minimum floor area per dwelling unit.* Minimum floor area per dwelling unit shall be the same as specified for the district within which the planned development is located.
- c) *[Reserved.]*
- d) *Access and circulation.*
- 1) Public streets shall be encouraged. However, private streets may be permitted by approval of the township planning commission or township board, provided they are designed to allow sufficient access for emergency vehicles to the dwelling units they will serve. Private streets shall be constructed with curb and gutter and in accordance with standards adopted by the Saginaw County Road Commission.
 - 2) Roadway access for planned unit developments will be reviewed in accord with standards set forth in the subdivision regulations of the township.
 - 3) Improved walkways shall be provided to allow access to all common open spaces within the planned unit development.
- e) *Parking standards.*
- 1) Design and layout of parking areas shall be compatible with the surrounding development. Parking for residence and guests must be considered in the overall design.
 - 2) A single parking area shall contain no more than 20 parking spaces.

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- 3) Within a parking area, no more than ten spaces shall be permitted in a continuous row without being interrupted by landscaping.
 - 4) All areas shall be adequately lighted. Lighting shall be in accordance with section 407 of this Zoning Ordinance.
 - 5) Spaces required:
 - i) One-bedroom units—two spaces.
 - ii) Two or more bedroom units—three spaces.
 - 6) Parking lots shall be screened from adjacent roads and buildings with hedges, fences, walls, dense plantings or berms.
- f) *Landscaping.* A minimum of two trees shall be provided in the front yard areas of each lot or dwelling structure. Tree spacing shall not exceed 25 feet. Trees shall be a minimum of six feet at time of planting.
- 1) All unimproved surface areas of the site shall be planted with grass, ground cover, shrubbery, or other suitable landscaping material. The planning commission or township board may waive this requirement in an effort to maintain the natural characteristics of the land.
 - 2) The perimeter of a planned unit development shall be landscaped in accordance with a Type B bufferyard as required in section 303(4) of this Zoning Ordinance. The planning commission or township board may waive this requirement for all or a portion of the perimeter based upon existing conditions.
- g) *Privacy.* Each development which contain attached units shall provide visual and acoustical privacy for dwelling units. Features such as fences, screening walls, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants.
7. *Open space requirements.* For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this section, equal amounts of land shall be provided in open space.
- a) *Preservation of common open space.* All open spaces, tree covers, recreational areas, scenic vistas, or other authorized open land areas shall be either set aside through an irrevocable conveyance for use as common land for the sole benefit, use, and enjoyment of present and future lot or home owners within the development or shall be dedicated to the township as park land for the use of the general public. The planning commission shall recommend as part of its approval of a special use permit for a planned unit development:
 - 1) That open space land shall be covered by proper legal procedures from the tract owner or owners to a homeowners' association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common.
 - 2) That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners; provided, that the location and extent of said land conforms to the development plan of the township; and provided further, that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development, and maintenance. It is the intent of this section that in cases where this option is determined to be in the best interests of the township that the owners or developers of the planned unit development shall not be compelled or required to improve the natural condition of said open space lands.
 - b) *Dedication of open space.* The dedication of open space may include:

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- 1) A recorded deed restriction;
 - 2) Covenants that run perpetually with the land; or
 - 3) A conservation easement established per Public Act No. 197 of 1980, as amended [now repealed. See pt. 21, subpt. 11 of the Natural Resources and Environmental Protection Act (MCL 324.2140 et seq.).]
- c) *Language contained in conveyance.* Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
- 1) Indicate the proposed allowable use(s) of the dedicated open space.
 - 2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - 3) Provide standards for scheduled maintenance of the open space.
 - 4) Provide for maintenance to be undertaken by the township in the event that the dedicated open space is inadequately maintained or is determined by the township to be a public nuisance, with the assessment of cost upon the property owners.
- d) *Structures built in open space areas.* Any structure(s) or building(s) accessory to recreation, conservation or agriculture may be erected within the dedicated open space subject to an approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent of the required open space area.
8. *[Signs.]* Signs in accordance with chapter 5.
9. *Review process.* A planned unit development shall be reviewed in accordance with the standards set forth in section 311 of this Zoning Ordinance. Any planned unit development which will result in the creation of parcels of land under separate or common ownership shall comply with the provisions of the following public acts:
- a) Subdivision Control Act [now Land Division Act], (Public Act No. 288 of 1967 (MCL 560.101 et seq.).
 - b) Condominium Act, (Public Act No. 59 of 1978 (MCL 559.101 et seq.).

State law reference(s)—Planned unit developments, MCL 125.286c, 125.286d.

Sec. 2208. Planned neighborhood shopping centers.

1. *Authorization.* Continued urban expansion, combined with the ever increasing needs of neighborhood residents for services and goods which are conveniently located and attractive, together with the undesirable nature of strip commercial and scattering of commercial uses, require a provision for planned neighborhood shopping centers within developing areas. These centers are required to have some flexibility of location, yet their impact upon adjacent properties and public facilities must be controlled in the public interest.

A planned neighborhood shopping center is intended to permit developments that will, over time, be enhanced by coordinated site planning and a mix of uses. Such developments are intended to provide a safe and efficient system for vehicular and pedestrian traffic, to enable economic design in the location and provision of public and private utilities, and to provide for controlled growth while minimizing the impacts of scattered and sometimes leap-frog development.

The proposed neighborhood shopping centers are then developed with unified architecture and site design. This special land use is intended to allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community.

It is the purpose of this section to provide for the potential of these shopping centers, without the necessity of indicating specific sites in advance.

2. *Objectives.* The following objectives shall be considered in reviewing any application for a special use permit for a planned neighborhood shopping center:
 - a) To promote a more completed urban design which includes necessary neighborhood services conveniently located and attractively designed.
 - b) To encourage developers to use creative and imaginative approaches in the development of neighborhoods.
 - c) To allow for appropriate commercial development in conjunction with a residential planned unit development.
3. *Qualifying conditions.* In applying for a special use permit as a planned neighborhood shopping center, applicants should keep in mind that the approval of the shopping center, in terms of layout, design, uses and all other related site improvements runs with the property itself and not the property owner. This means that any transfer of property will require the new owner or owner(s) to meet the provisions of the shopping center as approved by the township. Modifications or transfer must follow requirements as set forth in section 2208(7).

To qualify for consideration as a planned neighborhood shopping center the following conditions shall be met:

- a) The proposed center is designed and will be developed with a unified architectural treatment as provided for in section 2208(6).
 - b) If developed independently of a residential planned unit development, the center shall be on a site of no less than four acres and shall contain at least five individual uses.
 - c) To be eligible for consideration as part of a residential planned unit development, the planned unit residential development must be a minimum of 40 acres.
 - d) The center must have one property line on a street classified as a principle arterial as shown on the township's road designation map. Ingress and egress to the development shall be coordinated and approved by the planning commission.
4. *Uses that may be permitted.* The following uses of land and structures may be permitted within a planned neighborhood shopping center:
 - a) Retail food establishments, as permitted in B-3 districts.
 - b) Other retail businesses, as permitted in B-2 districts.
 - c) Personal service establishments, as permitted in B-2 districts.
 - d) Offices for professional services, as permitted in B-2 districts.
 - e) Professional offices, as permitted in B-2 districts.
 - f) Restaurants and other eating or drinking establishments which provide food or drink for consumption on the premises provided that such establishments shall not be so-called "drive-in" facilities.

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- g) Temporary outdoor uses, such as displays, Christmas tree sales lots, revival tents, or other quasi-civic activities may be permitted on a temporary basis in accordance with the conditions stated in section 1603(2).
 - h) Outdoor uses including public parks, recreational facilities.
 - i) Off-street parking and loading as required and allowed.
5. *Development requirements.* In addition to the qualifying conditions listed in subsection (3) above, the following requirements shall be met:
- a) Minimum yard requirements.

Each lot shall have a minimum front yard of 40 feet and said yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading, or accessory structures.

Side yards shall not be less than 20 feet and in the case of a corner lot the side yard on the street side shall be a minimum of 40 feet.

Each lot shall have a rear yard of 30 feet.

The planning commission may vary the lot width, building setbacks, and other dimensional requirements in its review of the site plan. In determining the appropriate requirements, the planning commission shall take into account:

 - i) The nature of existing and future land uses adjacent to and near the site;
 - ii) The number, type and size of the building proposed for the site;
 - iii) Location of natural and cultural features on the site;
 - iv) Topography of the site;
 - v) Provision of public utilities to the site;
 - vi) Requirements for adequate fire, police and emergency vehicle access; and
 - vii) The objectives of the planned neighborhood shopping center contained herein.

Additionally, side yards abutting any residentially zoned property shall contain a decorative masonry wall or opaque fencing no less than five feet nor more than eight feet in height consisting of a durable material and associated landscaping as approved by the planning commission.
 - b) Maximum building height. The maximum building height shall be three stories or 40 feet.
 - c) Maximum lot coverage. The maximum coverage of land by all buildings shall not exceed 30 percent.
 - d) Off-street parking and loading requirements:
 - i) Requirements for an allowed use shall be determined from the "Schedule of Parking and Loading Requirements" in chapter 4 of the Zoning Ordinance.
 - e) Sidewalks. Sidewalks shall be required within a planned neighborhood shopping center. In addition, the planning commission may require additional sidewalks within a site in order to improve pedestrian access to buildings and protect pedestrian safety throughout the development. When requiring additional sidewalks, the planning commission shall consider the following criteria:
 - i) The number, location, types, and use(s) of buildings proposed within the site.
 - ii) The amount of traffic generated by the proposed uses.
 - iii) The relationship of the roadway networks with individual site development.

(Ord. No. 651, 10-27-2003)

Sec. 2209. Day nursery.

1. *Authorization.* In order to facilitate the care of preschool children within a desirable environment, this section provides for the inclusion of nursery schools and child care centers within designated residential districts, in religious institutions within any zone district, and within designated commercial areas. This use may be authorized by the issuance of a special use permit or as otherwise cited when all of the procedures and applicable requirements stated and the additional requirements of this section can be complied with.
2. *Uses that may be permitted.* Nursery schools, day nurseries, and child care centers (not including dormitories) may be authorized.
3. *Development requirements.* The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
 - a. *Minimum site size.* Eleven thousand and fifty square feet with 85-foot lot width at front building line.
 - b. *Outdoor play space:* If an outdoor play area is provided it shall be screened with opaque fencing. When adjacent to residential uses and/or zoning districts, the outdoor play area shall be screened with a combination of landscaping and fencing.
 - c. *[Licensing and standard requirements.]* Meet the licensing and standard requirements from the State of Michigan.
 - d. *[Maximum building height and maximum lot coverage.]* Maximum building height and maximum lot coverage shall be no greater than what is permitted in the underlying district.
 - e. *[Off-street parking.]* Off-street parking shall be provided in conformance with the schedule outlined in chapter 4.
 - f. *[Signs.]* Signs as provided in chapter 5.
 - g. *[On-site circulation.]* Provide for adequate on-site circulation, parking, loading, and unloading of children.

(Ord. No. 701, 3-26-2008)

Sec. 2210. Funeral homes and mortuaries.

1. *Authorization.* Because funeral homes and mortuaries perform special and necessary services to urban populations, and in recognition of the unique location and site development characteristics of these functions, such uses of land may be authorized by special use permit within designated residential districts or as otherwise cited when all of the procedures and applicable requirements stated and the additional requirements of this section can be complied with.
2. *Uses that may be permitted.* Funeral homes, undertaking parlors and mortuaries, provided that the conduct of all aspects of activities related to such uses shall take place within the principal building and not in an accessory building. A caretaker's residence may be provided within the principal building.
3. *Development requirements.* The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
 - a) *Minimum site size.* One and one-half acres with a minimum width of 150 feet.

(Supp. No. 34)

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- b) *Site location.* The proposed site shall front upon a major or minor arterial or principal collector as classified on the adopted street plan. All ingress and egress to the site shall be directly from said thoroughfare.
 - c) *Yards.* Front, side and rear yards shall be at least 40 feet, except on those sides adjacent to nonresidential districts, where upon it shall be 20 feet. All yards shall be appropriately landscaped with trees, shrubs, and grass. No structure or parking areas shall be permitted in said yards, except that rear yards may be used for parking purposes under the requirements specified and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
 - d) Signs as provided in chapter 5.
 - e) Off-street parking as provided in chapter 4.

Sec. 2211. Multiple-family service and office business retail uses.

- 1. *Authorization.* Increased demand for service facilities designed and intended solely to serve frequent trade or needs of families residing within larger multiple family complexes, as well as select retail uses compatible with office business complexes has created a need to provide limited mixed use alternatives within these types of developments. Specific establishments may be permitted by issuance of a special use permit when said permitted uses are an integral part of a complex as allowed and cited under Part II provisions.
- 2. *Multiple family service uses.*
 - a) Uses that may be permitted. Retail businesses and personal service establishments as defined in chapter 16, section 1602 (1), (2), and (5).
 - b) Development requirements. Any application for a special use permit shall meet the following conditions in order to qualify for consideration for issuance of said permit:
 - i) The multiple family development site shall contain a minimum of 150 family units and shall be under the control of one owner or group of owners at the time of development and shall be planned as a unit development.
 - ii) No more than ten percent of the site shall be devoted to non-residential uses together with its required parking. Required yard areas shall be excluded from the total site area used for computing the allowed ten percent.
 - iii) Commercial uses shall be subordinate to the residential character of the development and shall present no visible evidence outside of the site boundaries.
 - iv) Unified architectural design requirements. A unified architectural design shall be incorporated into each multiple family service use in accordance with section 315 of the zoning ordinance.
- 3. *Office-business retail uses.*
 - a) Uses that may be permitted. Retail businesses and personal service establishments as defined in chapter 16, section 1602 (1), (2), and (5).

Exceptions:

 - i) Developments containing 20 acres or more may have a retail establishment incorporated into the unified project that exceeds 4,000 square feet.
 - ii) Retail establishments exceeding 4,000 square feet shall not be directly located adjacent to any residential district.

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- b) Development requirements. Any application for a special use permit shall meet the following conditions to qualify for consideration for issuance of said permit.
 - i) The office-business retail complex shall be located upon a minimum site of three acres and shall be under the control of one owner or group of owners at the time of development.
 - ii) No more than 20 percent of the area of the site shall be devoted to permitted retail uses together with its required parking. Required yard areas shall be excluded from the total site area used for computing the allowed 20 percent.
 - iii) Dimensional requirements of chapter 18, section 1805 shall be complied with.
 - iv) Such projects shall be permitted only on a site that abuts a principle arterial or minor arterial street as shown on the townships road designation map.
 - v) Required front yards and exterior side yards shall be limited exclusively for landscaping, driveways, internal circulation, walkways, parking signs, and other related streetscape features. Storage of material or products within such yards shall be prohibited.
 - vi) Provisions for landscaping shall be included in the development plan for special use approval. These may include, but are not limited to, screen planting, lawn areas, trees, shrubs, fences and walls. Minimum landscape areas shall be provided equal to 25 percent of the required yard areas or equal to two and one-half square feet per lineal foot of street frontage. Additionally, landscape areas shall be distributed throughout the project site, including required yard areas between buildings, structures and the adjacent street right-of-way line. It shall be the responsibility of the owner or developer to carry out this program and provide such maintenance and care as is required to obtain the effect intended by the original plan.
 - vii) In addition to other buffer requirements, when the back of a development adjoins property in a residential district, then a solid masonry wall or fence not less than six feet nor greater than eight feet in height or equivalent form of screening shall be installed and maintained by the developer to screen the back of the project form the residential property. Such screening shall be approved by the planning commission.
 - viii) Lighting of parking lots shall be required for safety and security purposes. A common decorative lighting fixture and pole shall be prevalent throughout the project.
 - ix) Sidewalks. Sidewalks shall be required within an office business retail development. In addition, the planning commission may require additional sidewalks within a site in order to improve pedestrian access to buildings and protect pedestrian safety throughout the development. When requiring additional sidewalks, the planning commission shall consider the following criteria:
 - a) The number, location, types, and use(s) of buildings proposed within the site.
 - b) The amount of traffic generated by the proposed uses.
 - c) The relationship of the roadway networks with individual site development.
 - c) Off-street parking and loading requirements.
 - i) Requirements for an allowed use shall be determined from the "Schedule of Parking and Loading Requirements" in chapter 4 of the zoning ordinance.
 - d) Unified architectural design requirements. A unified architectural design shall be incorporated into each office business retail complex.

4. *Amending or transferring a multiple family service use or an office business retail planned development.*

Prior to a transfer of ownership or a change in use, the property owner or owners of the multiple family service or office business retail development must contact Saginaw Charter Township in writing to declare their intent and initiate an administrative review process.

- a) Administrative review process shall include but shall not be limited to the following:
 - i) During and after the establishment of the multiple family service use or office business retail complex, the owners(s) or proponents of the proposed development shall strictly adhere to all conditions, schedules and development requirements recommended by the planning commission.
 - ii) The owner(s) or proponent must submit any proposed modifications to the approved plan that specifically affects established densities, uses, an increase or reduction in size and scope of the project, modifications affecting publicly dedicated rights of way or easements, and alterations to the approved overall plan, including architectural design changes.
 - iii) Should the owner/developer(s) wish to change a use or uses located in the development, the owner must submit a site plan application to the township describing the change. The submittal should meet all requirements as outlined in chapter 3, section 311 of the zoning ordinance.

(Ord. No. 653, 10-27-2003)

Sec. 2212. Automobile service station.

1. *Authorization.* Facilities to serve motor vehicles are of considerable importance within urbanizing areas where the basic mode of transportation is by private automobile. The continued growth of motor vehicle registrations and of total miles traveled annually has stimulated additional needs for retailing gasoline and associated products. To meet the demands of location and space for this type of retail facility requires careful planning to properly integrate the service station function into the pattern of other commercial and retail activities serving the community. Because such integration requires special considerations relating to location, site layout, storage facilities, traffic, safety, and compatibility with surrounding uses of land, this Ordinance requires conformance to the standards set for a gasoline service station a[nd] permitted use within cited commercial districts.
2. *Objectives.* It is the intent of this section to exercise a measure of control over service stations and permitted buildings and their sites and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objective of the regulations set forth in this section are to:
 - a) Promote the type of development which will be compatible with other land use activities located in areas where service stations will be constructed.
 - b) Control those aspects of service station design, site layout, and operation which may, unless regulated, be damaging to surrounding uses of land.
 - c) Minimize the traffic congestion and safety hazards which are inherent in service station activity.
3. *Uses that may be permitted.* Gasoline service stations, as defined in chapter 2, section 202(4), including the servicing of motor vehicles under 1½ tons rated capacity, such as minor adjustments to motor vehicles, sales and installation of automotive accessories, and other servicing of motor vehicles, provided such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning, or other mechanical or physical modifications to motor vehicles is specifically prohibited.

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4. *Site development requirements.* The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
- a) *Minimum site size.* Twenty thousand square feet with a minimum width of 150 feet.
 - b) *Site location.* The proposed site shall have at least one property line on a major or minor thoroughfare or principal collector as classified on the adopted street plan.
 - c) *Building setback.* The service station buildings, canopies, pump islands, and service drives shall conform to the yard requirements for the district in which it is located, but shall in no case be closer than 50 feet to any property line of a residential district or use unless separated by a public street. Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
 - d) *Access drives.* No more than two driveway approaches shall be permitted directly from any major or minor thoroughfare nor more than one driveway approach from any minor street, each of which shall not exceed 35 feet in width at the property line. If the service station or permitted building site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical, but no less than 50 feet.

No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line and shall be no less than 25 feet from any adjacent lot within an R district as extended to the curb or edge of the pavement.
 - e) *Curbing and paving.* The entire service area shall be paved with a permanent surface of concrete. A raised curb at least seven inches in height shall be installed along the perimeter of all paved areas including street access drives.
 - f) *Fencing.* A solid fence or wall five feet in height shall be erected along all property lines abutting any lot within a residential district.
 - g) *[Signs.]* Signs as provided on chapter 5, provided that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.
 - h) *[Off-street parking.]* Off-street parking shall be provided in conformance with the schedule outlined in chapter 4.
 - i) *Lighting.* Exterior lighting may be allowed as provided for under section 407.
5. *Automobile car wash establishments.* In addition to meeting site development requirements as aforesaid, listed automobile car washes shall comply with the following standards:
- a) *Drainage.* Adequate provision shall be made to keep all water from washing operations on the site. Where mechanical or manual drying is not done, a mechanical device shall be provided to insure that each vehicle shall wait on the site a minimum of 60 seconds following the end of each washing operation.
 - b) *Off-street vehicle waiting area in accord with section 404A* vehicle waiting area shall be provided on the site which will accommodate a number of vehicles, under actual operating conditions, equal to 50 percent of the maximum hourly capacity of the washing facility. In determining the number of vehicle waiting spaces available to meet requirements, the number of vehicles normally accommodated within the building can be counted.
 - c) *[Building exit.]* The building exit shall be no closer than 500 feet to the nearest intersection as a vehicle would be forced to travel.

Sec. 2213. Miscellaneous special uses.

1. *Authorization.* Because of particular functional and other inherent characteristics, certain land and structural uses have a high potential of being injurious to surrounding properties by depreciating the quality and value of such property. Many of these uses may also be injurious to the community as a whole unless they are controlled by minimum standards of construction and operation. It is the intent of this section to provide a framework of regulatory standards which can be utilized by the planning commission and legislative body as a basis for approving or disapproving certain special uses which may be permitted by the issuance of a special use permit within the particular zone districts cited.
2. *Special uses that may be permitted.* The following land and structural uses may be permitted within the particular zone districts cited; provided, that requirements specified and the applicable specified conditions established herein can be complied with:
 - a) Sewage treatment and disposal installations within any zone district cited in Part II.
 - b) Drive-in theaters, race tracks, golf driving ranges, and miniature golf courses within any zone district as cited in Part II.
 - c) Special open space uses, such as public beaches, bathhouses, private resorts, recreational camps, and other space uses operated for profit within any zone district as cited in Part II.
 - d) Camps or correctional institutions within any zone district as cited in Part II.
 - e) Sand or quarries and gravel pits within any zone district as cited in Part II.
 - f) Institutions for the mentally disadvantaged, physically impaired and substance abuse rehabilitation centers within any zone district as cited in Part II.
3. *Site development requirements.* A special use permit shall not be issued for the occupancy or use of a structure of a parcel of land, or for the erection, reconstruction, or alteration of a structure, unless complying with the following site development requirements.

Without limiting the powers of the legislative body in other sections of this Ordinance, the legislative body shall have the authority to revoke any special use permit when, after reasonable warning, the operators of any use permitted under this section fail to comply with any of the requirements stipulated. In addition, the planning commission, as part of its approval of a particular special use permit, may recommend to the legislative body any additional conditions and safeguards that are deemed necessary for the protection of the public welfare with respect to a proposed use permit.

- a) *Sewage treatment and disposal installation.* All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All operations shall be completely enclosed by a fence not less than six feet high.

All operations and structures shall be surrounded on all sides by a transition strip at least 100 feet in width within which grass, plant materials, and structural screens shall be placed to minimize the appearance and odors of the installation. The planning commission shall approve all treatment of transition strips.

- b) Drive-in theaters, race tracks, golf-driving ranges, and miniature golf courses:

All sites shall be located on a major or minor thoroughfare or principal collector as classified on the adopted street plan. All traffic ingress and egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfare.

All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two streets or highways.

All vehicles shall have clear vertical and horizontal sight distance approaching a public street within 100 feet of the street for a sight distance of 500 feet in either direction along the street.

Acceleration and deceleration lanes shall be provided at points of ingress and egress to the sight. Left turns at entrances and exits should be prohibited on the major thoroughfare where possible.

Whenever any use that may be permitted in the subsection abuts property within a residential or agricultural district, a transition strip at least 100 feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials, and structural screens of a type approved by the planning commission shall be placed within said transition strip.

A minimum yard of 100 feet shall separate all uses, operations, and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the planning commission.

Race tracks and drive-in theaters shall be enclosed for the entire used site for their full periphery with a solid screen fence at least eight feet in height. Fences shall be of sound construction, painted or otherwise finished attractively and inconspicuously. Drive-in theater ticket gates shall be provided in accordance with the following ratios: One ticket gate for 300-car capacity theaters; two ticket gates for 600-car capacity theaters; three ticket gates for 800-car capacity theaters; four ticket gates for 1,000-car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least 30 percent of the vehicular capacity of the theater.

Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed 65 feet in height.

- c) *Special open space uses.* The proposed site shall be at least two acres in area. The proposed site shall have at least one property line abutting a major thoroughfare or principal collector as classified on the adopted street plan. All ingress and egress to the site shall be directly from said thoroughfare or collector street.

All buildings and structures shall be set back at least 100 feet from any property or street line. Whenever the installation abuts upon property within a residential district, a 200-foot setback shall be required and landscaped with trees, grass, and structural screens of a type approved by the planning commission to effectively screen the installation from surrounding residential properties.

No more than 25 percent of the gross site shall be covered by buildings.

- d) *Camps or correctional institutions.* The proposed site shall be at least 20 acres in area.

The proposed site shall have at least one property line abutting a major or minor thoroughfare or principal collector as classified by the adopted street plan. All ingress and egress to the off-street parking area shall be directly from the major thoroughfare, or collector.

All two-story structures shall be at least 100 feet from all boundary lines or street lines. Buildings less than two stories shall be no closer than 50 feet to any property or street line. For buildings above two stories, the building shall be set back an additional one foot for each foot of additional height above two stories.

No more than 25 percent of the gross site shall be covered by buildings.

Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.

All signs shall be in accordance with the schedule outlined in chapter 5.

Off-street parking spaces shall be provided in accordance with the schedule outlined in chapter 4.

e) *Sand, clay, or gravel pits, quarries and top soil stripping.*

- 1) *Scope of regulations.* This section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit, when such activity is not related to the construction of a building, structure, or parking lot.
- 2) *Additional information required for site plan.* At the time of the application for a special use permit, the applicant shall submit a site plan which outlines the use of the property during mining operations. The site plan shall provide the following information:
 - i) Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description.
 - ii) An aerial photograph may be required by the planning commission which depicts the subject property and adjacent areas, location and outline of wooded areas, streams, marshes and other natural features.
 - iii) Existing site improvements such as buildings and drives.
 - iv) Existing site improvements such as buildings and drives.
 - v) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five-foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
 - vi) Location and nature of structures and stationary equipment to be located on the site during mining operations.
 - vii) Location and description of soil types.
 - viii) An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of mining operations.
 - ix) Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting and washing operations, screening, crushing, and the type, size and nature of equipment to be used with each operation.
 - x) Location and width of drives, including sight distances at public roads.
 - xi) Tree areas and other natural features to be retained.
 - xii) Description of erosion control measures.
 - xiii) Map showing truck routes to and from the site.
- 3) *Excavation site requirements:*
 - i) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
 - ii) All fixed equipment and machinery shall be located at least 200 feet from any property or street right-of-way line and 500 feet from any existing residential zoning district or

residential use. No cut or excavation shall be made closer than 100 feet to any property line or street right-of-way line in order to insure sublateral support to surrounding property.

- iii) Where it is determined by the planning commission to be a public hazard, all uses shall be enclosed by a fence six feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope.
 - iv) No building shall be erected on the premises except as may be permitted in the General Zoning Ordinance or except as temporary shelter for machinery and field office subject to approval by the planning commission.
- 4) *Construction and operation requirements.*
- i) The planning commission shall establish routes for truck movement internally as well as to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Routes shall not be directed through residential areas, unless the applicant can demonstrate to the planning commission that such a route would not adversely impact the adjacent residential parcels. That portion of access roads within the area of operation shall be provided with a dustless surface.
 - ii) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the community in general.
 - iii) On said site no stockpiling, equipment storage or repair shall take place closer than 200 feet from any property line or street right-of-way line. Stock piles of stripped topsoil shall be seeded with grass or similar plant materials approved by the planning commission in order to prevent erosion onto other properties.
 - iv) On said lot all roads, driveways, parking lots and loading and unloading areas shall be paved or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
 - v) Each operator shall be held responsible for all public roads upon which trucks haul materials from the mining operation to keep these roads in a drivable condition at least equal to that which existed prior to the beginning of mining operations and to keep the roads dust free and to clean any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
 - vi) Proper measures, as determined by the planning commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site.
 - vii) An excavation shall not change the surface drainage so as to adversely impact neighboring properties or uses.
 - viii) Any pond banks shall have a maximum slope of three feet horizontal to one foot vertical which extends below the projected low water surface elevation to a depth of at least eight feet.
 - ix) Minimum designed water depth of a pond must be ten feet to insure proper aeration and circulation of the water.
 - x) Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed three feet horizontal to one foot vertical and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.

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- xii) By October 15 of each year, the completed portion of an excavation and any disturbed area around it shall be graded and seeded. This will minimize any soil erosion or damage to surrounding properties that may occur from flooding.
 - xiii) Such operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturday. Operations shall not be permitted on Sunday.
 - xiv) When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients-disturbed earth shall be steeper than a slope of three feet horizontal to one foot vertical. A layer of arable topsoil, of a quality approved by the zoning administrator, shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and blended with the general surrounding ground so as to appear natural.
 - xv) Where excavation operations result in a body of water, the owner or operator shall place appropriate "Keep Out—Danger" signs around said premises not more than 150 feet apart.
 - xvi) The planning commission may require a security deposit from the applicant to ensure compliance with the requirements, specifications and conditions imposed by this Ordinance, as well as guarantee restoration of the site. Such deposit shall not be released until performance is certified by the township engineer. Any expense incurred by the township engineer shall be the responsibility of the applicant.
 - xvii) The applicant shall provide a date for completing the mining operation, such date to be based upon the estimated volume of material to be extracted and average annual extraction rates. The special use permit shall expire on that date. Any extension of operations beyond that date shall require the issuance of a new special use permit.
 - xviii) Only equipment owned or leased by the operator of the mining operation and used in the direct operation of the quarry shall be stored overnight or for longer periods anywhere on the premises of the quarry. Storage of any other equipment on the premises shall be prohibited.
- f) *Institutions for the mentally disadvantaged, physically impaired and substance abuse rehabilitation centers.*

At a minimum, the following site improvements shall be required:

1. *Frontage and access.* Such uses shall front onto a county primary or state trunk line. The main means of access to the facility for patients, visitors and employees shall be via the primary road or state trunk line. In no case shall access be off of a residential street.
2. *Setbacks.* The principal building shall be set back at least 75 feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.
3. *Recreation/open space.* Recreation and open space areas shall be required at a rate of one-half acre, plus 700 square feet per patient, based upon the maximum number of patients capable of being lodged overnight.
 - a. Recreation/open space areas shall be fenced with a six-foot tall fence. Sufficient tree plantings shall be installed around the perimeter of the fenced area.
 - b. The recreation/open space shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses shall not be counted as required recreation/open space area.

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4. *Screening.* The perimeter of the site shall be screened from adjacent properties with a type C bufferyard approved by the planning commission.

g) [*Miscellaneous uses.*] Other miscellaneous uses as cited under land use district regulations.

(Ord. No. 553, 4-22-1996; Ord. No. 633, 10-14-2002)

Sec. 2214. Senior citizens' housing development.

1. *Authorization.* The increasing needs for housing for the elderly represents a critical need. It is the purpose of this section to encourage and provide for the housing needs which are particular to the elderly.
2. *Qualifying conditions.* Any application for a special use permit shall meet the following conditions to qualify for consideration:
 - a) "Senior citizens' housing development" is defined as to be specifically for dwelling units constructed to provide housing for:
 - Two or more persons related by blood, marriage or operation of law who occupy the same unit, one of which must be at least 55 years of age.
 - Single persons 55 years of age or older.
 - Married couple, provided one is at least 55 years of age.
 - Two persons not related, of same sex, and both have reached 55 years of age.
 - Two relatives, provided both have reached 55 years of age.
 - A handicapped person. A person is handicapped if he has a physical impairment which is expected to be of long-continued and definite duration, substantially impedes his ability to live independently, or is of such nature that his ability to live independently could be improved by more suitable housing conditions.
 - Eligibility for the project cannot depend on the race, religious [religion], national origin or color of the applicant.
 - b) The proposed site shall not be less than five acres and ownership must be that of a single owner or a corporation under unified control.
- 3) *Uses that may be permitted.* Housing types as listed according to the district within which the site is located are permitted, and, further, the provisions of a planned unit development are herewith included as permissible under the terms of this section, as may be approved by the planning commission. Contiguous housing units may be exempted from the PUD length restrictions if approved by the planning commission.
- 4) *Dimensional requirements.* The dimensional requirements as listed according to the district within which the site is located shall be complied with except as hereinafter listed or as may be modified according to a planned unit development.
 - a) The minimum gross floor area per dwelling unit shall be 450 square feet for an efficiency dwelling unit. A minimum of an additional 100 square feet of floor area shall be required for each additional bedroom in a dwelling unit.

Sec. 2215. Sexually oriented businesses.

1. *Intent.* It is recognized that there are some uses, which because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain

circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this chapter. Prior to adopting these regulations, the township reviewed studies prepared on these uses, reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal and state case law. Based on evidence of the adverse effects of adult uses presented in hearings and in reports made available to the township board, and on findings incorporated in the cases of *Pap's AM v Township of Erie*, 529 US 277 (2000); *Deja Vu of Nashville v Metropolitan Government of Nashville & Davidson County*, 466 G3d 391 (6th Cir 2006); *Sensations, Inc. v Township of Grand Rapids*, 2006 WL 2504388 (WD MI 2006); *Van Buren Township v Garter Belt*, 258 Mich App 594; 673 NW2d 111 (2003); *Bronco's Entertainment v Charter Township of Van Buren*, 421 F3d 440 (6th Cir 2005); *Thomas v Chicago Park District*, 122 S Ct 775 (2002); *Township of Renton v Playtime Theatres Inc*, 475 US 41 (1986); *Young v American Mini Theatres*, 426 US 50 (1976); *Barnes v Glen Theatre Inc*, 501 US 560 (1991); *California v LaRue*, 409 US 109 (1972); *DLS Inc v Township of Chattanooga*, 107 F3d 403 (6th Cir 1997); *East Brooks Books Inc v Township of Memphis*, 48 F3d 2200 (6th Cir 1995); *Broadway Books v Roberts*, 642 F Supp 4867 (ED Tenn 1986); *Bright Lights Inc v Township of Newport*, 830 F Supp 378 (ED Ky 1993); *Richland Bookmart v Nichols*, 137 F3d 435 (6th Cir 1998); *Richland Bookmart v Nichols*, 278 F3d 570 (6th Cir 2002); *Déjà vu of Cincinnati v Union Township Board of Trustees*, 411 F3d 777 (6th Cir 2005); *Déjà vu of Nashville v Metropolitan Government of Nashville*, 274 F3d 377 (6th Cir 2001); *Bannon Corp v Township of Dayton*, 7923 F2d 470 (6th Cir 1991); *Threesome Entertainment v Strittmather*, 4 F Supp 2d 710 (ND Ohio 1998); *JL Spoons Inc v Township of Brunswick*, 49 F Supp 2d 1032 (ND Ohio 1999); *Triplett Grille Inc v Township of Akron*, 40 F3d 129 (6th Cir 1994); *Nightclubs Inc v Township of Paducah*, 202 F3d 884 (6th Cir 2000); *O'Connor v Township and County of Denver*, 894 F2d 1210 (10th Cir 1990); *Deja Vu of Nashville Inc et al v Metropolitan Government of Nashville and Davidson County*, 2001 USA App LEXIS 26007 (6th Cir Dec 6, 2001); *ZJ Gifts D-2 LLC v Township of Aurora*, 136 F3d 683 (10th Cir 1998); *Connection Distribution Co v Reno*, 154 F3d 281 (6th Cir 1998); *Sundance Associates v Reno*, 139 F3d 804 (10th Cir 1998); *American Library Association v Reno*, 33 F3d 78 (DC Cir 1994); *American Target Advertising Inc v Giani*, 199 F3d 1241 (10th Cir 2000); *ZJ Gifts D-2 LLC v Township of Aurora*, 136 F3d 683 (10th Cir 1998); *ILQ Investments Inc v Township of Rochester*, 25 F3d 1413 (8th Cir 1994); *Big Wolf Discount Video Movie Sales Inc v Montgomery County*, 2002 US Dist LEXIS 1896 (D Md Feb 6 2002); *Currence v Cincinnati*, 2002 US App LEXIS 1258 (3rd Cir Jan 24, 2002); and other cases; and on testimony to Congress in 136 Cong Rec S 8987; 135 Cong Rec S 14519; 135 Cong Rec S 5636; 134 Cong Rec E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota - 1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma Township, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence, " by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House committee on Ethics and Constitutional Law, Jan 12, 2000, and the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the township board finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Saginaw Township is seeking to abate and prevent in the future. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area that would create such adverse effect(s). It is further the intent of these regulations that these uses only be permitted as special land uses. Uses (collectively "regulated uses") subject to these controls are as follows:

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2. *Definitions.* Sexually oriented businesses, as defined in chapter 2 (definition section of the zoning ordinance), shall be subject to the regulations of this chapter.
 3. *Classification.* Sexually oriented businesses are classified as, and include, the following:
 - a) Adult arcades.
 - b) Adult bookstores or adult video stores.
 - c) Adult cabarets.
 - d) Adult massage parlors.
 - e) Adult motels.
 - f) Adult motion picture theaters.
 - g) Adult theaters.
 - h) Adult nudity or retail stores.
 - i) Escort and escort agencies.
 - j) Nude model studios.
 - k) Sexual encounter centers.
 4. *Location of sexually oriented business; miscellaneous requirements.*
 - a) A sexually oriented business shall not be located closer than 1,000 feet to the property line of any of the following:
 - i) Church, religious institution, or building used primarily for religious worship and related religious activities.
 - ii) Public or private elementary or secondary school, vocational school, special education school, junior college or university.
 - iii) Any single-family, two-family or multiple-family zoning district.
 - iv) Lot or parcel in residential use.
 - v) Public park.
 - vi) Existing sexually oriented business.
 - vii) Child care facility, nursery or preschool.

Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property site boundary of a sexually oriented business to the nearest property line of the premises of any use, district or right-of-way listed above. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the site or property boundary in which each business is located. Access easements or portions of the parcel that are exclusively used to provide access to the site of the sexually oriented business shall be excluded from the parcel boundary in determining whether the site complies with the required separation. The intent of this exclusion is to allow sexually oriented businesses to comply with the separation requirement from major thoroughfares by means of an access easement or access strip of land from the site to the thoroughfare.
 - b) A person is in violation of this Ordinance if he/she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

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- c) A person is in violation of this Ordinance if he/she causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof or the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
 - d) All off-street parking areas and entry door areas of a sexually oriented business shall be illuminated from dusk until the closing time of the business with a lighting system which provides an average maintained horizontal illumination of three footcandles on the pavement with an average to minimum uniformity not greater than four to one of light on all parking surfaces and/or walkways and/or meet or exceed the recommendations of the Illuminating Engineering Society of North America (IESNA) enhanced security guidelines and recommendations for parking lots. This requirement is to ensure the personal safety of patrons and employees, and to reduce the incidence of vandalism and other criminal conduct.
 - e) No employee in a sexually oriented business shall knowingly or intentionally appear in view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remains at least six feet from all patrons and on a fixed stage at least 18 inches from the floor in a room of at least 600 square feet.
 - f) No employee in a sexually oriented business shall knowingly or intentionally mingle with patrons unless they are not dancing or have not danced for at least 30 minutes.
 - g) Any business now classified as a sexually oriented business lawfully operating on the date of adoption of the Ordinance that is in violation of this Ordinance shall be deemed a nonconforming use.
5. *Nude entertainment prohibited in alcoholic commercial establishment.* It shall be unlawful for any person to perform in any alcoholic commercial establishment, to knowingly permit or allow to be performed therein, any of the following acts or conduct:
- a) The public performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellations, or any sexual acts which are prohibited by law;
 - b) The actual or simulated touching, caressing or fondling on the breasts, buttocks, anus or genitals in public; or
 - c) The actual or simulated public displaying of the pubic hair, anus, vulva or genitals.
- It shall be unlawful for the owner, operator, agent or employee of an alcoholic commercial establishment to allow any female to appear in an alcoholic commercial establishment so costumed or dressed that one or both breasts are wholly or substantially exposed to public view. Topless or bottomless or totally uncovered waitresses, bartenders or barmaids, entertainers including dancers, impersonators, lingerie shows, or any other form for the attraction or entertainment of customers, is strictly prohibited. "Wholly or substantially exposed to public view" as it pertains to breasts shall mean the showing of the female breast in an alcoholic commercial establishment with less than a fully opaque covering of all portions of the areola and nipple, and the prohibition shall also extend to such events similar to wet t-shirt contests.
6. *Exterior display and signs.* A sexually oriented business is in violation of this chapter if:
- a) The merchandise or activities of the establishment are visible from any point outside the establishment;
 - b) The exterior portions of the establishment or signs having any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this Ordinance; or
 - c) There shall be no use of neon or flashing lights.

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7. *License required to operate a sexually oriented business.* Special use and site plan approval shall be granted on the condition that the operator or owner of a sexually oriented business obtains a license to operate the business as required by chapter 18 of the Code of Ordinances.
 8. *Enforcement.* A violation of the provisions of this chapter shall be a misdemeanor punishable with a potential fine of \$500.00 dollars or a jail term of 90 days, or both.
 9. *Injunction.* In addition to the provisions of this chapter, the township, at its option, may commence proceedings in a court of competent jurisdiction under the appropriate court rule or statute to enjoin any activity conducted by a sexually oriented business that is deemed to be in violation of these provisions.

(Ord. No. 516, 2-28-1994; Ord. No. 718, 1-24-2011; Ord. No. 724, 9-26-2011)

Sec. 2216. Drive-through establishments.

1. *Authorization.* In recognition of today's service- and convenience-oriented society, the need and demand for drive-through uses has increased greatly. With this increased demand, certain aspects of this form of business must be addressed in order to protect neighboring property owners from any potentially adverse impacts created by additional traffic flow generated by this use. Furthermore, this use is not compatible with all business or residential uses, and should therefore be limited to those districts where such a use can be properly accommodated under the conditions stated herein.
2. *Uses that may be permitted.* Accessory drive-through uses to financial institutions, fast food businesses, dry cleaners, convenience stores, or other uses as may be determined by the planning commission.
3. *Development requirements.* The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
 - a) The drive designated for the drive-through shall have a minimum width of 12 feet and a minimum length of 100 feet. Said drive length shall not interfere with on-site traffic flow or parking arrangements.
 - b) Curbing of at least seven inches in height and/or steel concrete bumper poles must be installed between the drive-through lane and any structure.
 - c) All pedestrian walkways crossing the drive shall be accessible to handicapped persons, properly painted, and posted with signs warning drivers of pedestrians.
 - d) Lighting shall be installed so as to provide adequate illumination of any walkways intersecting with said drive, subject to the standards set forth in section 407.
 - e) An opaque fence or wall a minimum of five feet in height shall be erected along all property lines where a drive-through lane or associated structure are within 40 feet of any residential district or property.
 - f) No drive-through lane may be closer than five feet to any residential property or district.
 - g) Drive-through lane shall not result in an additional curb cut unless approved by the planning commission as necessary to ensure the safety of motorists and/or pedestrians.
 - h) Aboveground directional signs shall be installed in accordance with section 505(4).

Sec. 2217. Bed and breakfast establishments.

1. *Authorization.* Due to the growing popularity of bed and breakfast establishments in single-family dwellings, it is of evermore importance that any potentially adverse impacts resulting from such developments be

properly addressed. It is the intent of the township to permit the development of such operations when developed in a way which emphasizes the protection of detrimental change in the single-family character of any site proposed for a bed and breakfast operation.

2. *Uses that may be permitted.* Bed and breakfast establishments where provided and as permitted under the appropriate single-family zoning districts.
3. *Development requirements.* The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
 - a) The residence is the principal single-family detached dwelling unit on the property and is owner-occupied at all times.
 - b) The residence abuts one or more of the primary streets specifically listed under section 303(2) with the exception of Wieneke and Lawndale Roads extended.
 - c) The rooms utilized for sleeping are a part of the primary residential use and not specifically constructed or significantly remodeled or altered for rental purposes.
 - d) The maximum stay for any occupants of bed and breakfast operations shall be 14 days.
 - e) A valid business license shall have been obtained from the Saginaw Township Clerk.
 - f) Paved parking shall be provided at a ratio as set by the zoning administrator.
 - g) Occupancy of any bed and breakfast operation is limited to five or fewer guests, and the use is further limited to not more than two rental sleeping rooms.
 - h) Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by township officials at any time.
 - i) Meals shall be served only to residents and overnight guests, and meals shall comply with the restrictions of the state and county health departments for nonresidential uses. There shall be no separate cooking facilities for the bed and breakfast stay.
 - j) The rental sleeping room shall have a minimum size of 100 square feet for each two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room. At no time shall a bed and breakfast operation utilize more than 25 percent of the total floor area of the dwelling, excluding attached garages, porches and unfinished basements. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm.
 - k) One sign identifying the bed and breakfast operations not to exceed one square foot in area shall be permitted.
 - l) No premises shall be utilized for a bed and breakfast operation unless there are at least two exits to the outdoors from such premises.
 - m) Bed and breakfast operations 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 Township Zoning Ordinance and adopted construction codes.
 - n) No bed and breakfast operation shall be established without prior approval by the Saginaw Township Board in accordance with the special use permit requirements of chapter 22. Two sets of floor plans of the establishment, drawn to an architectural scale of not less than one-eighth inch equals one foot shall also be submitted to the zoning administrator. One set shall remain on file in the township offices, and one set shall be filed with the fire department.

[Section 2218. Reserved.]

Editor's note(s)—There is no § 2218.

Sec. 2219. Personal wireless communication facilities.

1. *Authorization.* Changing technology in the field of communications has resulted in a reliance upon more versatile convenient forms of communication. Businesses, individuals and governments have all developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones have proven themselves over and over [a]gain in emergency situations.

[2.] *Qualifying conditions:*

- a) The following site and developmental requirements shall apply:
 - i) A minimum site of 0.75 acre and 125 feet of road frontage.
 - ii) Communication towers shall be restricted to self-supporting structures. The use of guy wires is prohibited.
 - iii) The base of the tower and wire cable supports shall be enclosed with a minimum five-foot-high fence.
- b) Special performance standards:
 - i) The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the township engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with township engineering review.
 - a) Towers shall not be erected on a parcel in which a single-family, two-family, three-family or four-family dwelling unit exists.
 - b) Towers shall be set back from property lines a minimum distance equal to its height when erected on a parcel that abuts other A-2, R-1A, R-1 or R-2 zoned or used parcels. This requirement is independent of section 2219(b)(i).
 - ii) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than 30 feet.
 - a) Accessory structures shall be designed to be aesthetically compatible with the adjoining properties. This may include the construction of a brick facade and a pitched roof.
 - iii) Accessory structures shall not exceed 600 square feet of gross building area.
 - iv) All bufferyard requirements within this Zoning Ordinance shall be met.
 - v) All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
 - vi) The plans of the tower construction shall be certified by a registered structural engineer.
 - vii) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
 - viii) All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

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- ix) Communication towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half-mile radius of a helipad.
 - x) No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within 30 feet of a property line.
 - xi) Metal towers shall be constructed of, or treated with, corrosive-resistant material.
 - xii) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
 - xiii) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
 - xiv) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
 - xv) Towers shall be located so that they do not interfere with reception in nearby residential areas.
 - xvi) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
 - xvii) The base of the tower shall occupy no more than 500 square feet.
 - xviii) Minimum spacing between tower locations shall be one-quarter mile in order to prevent a concentration of towers in one area.
 - xix) Height of the tower shall not exceed 150 feet from grade within all applicable districts.
 - xx) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
 - xxi) Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - xxii) There shall not be displayed advertising or identification of [any] kind intended to be visible from the ground or other structures, except as required for emergency purposes.
 - xxiii) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
 - xxiv) Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the special use approval will be subject to revocation by the township board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
 - xxv) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
 - xxvi) All parking and drive areas must be paved as provided in this Ordinance.
 - xxvii) Where the property adjoins any residentially zoned property or land use, the developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten feet to any structure.

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- xxviii) The tower shall be removed by the property owner or lessee within six months of being abandon[ed]. The township may require a performance bond to ensure its removal.
 - xxix) A conceptual build out pla[n] must be submitted by the applicant which indicates the contemplated areas within the township that the communication provider may construct other towers.
 - xxx) Towers shall be designed to provide for collocation.

(Ord. No. 536, 7-10-1995; Ord. No. 578, 1-26-1998)

Sec. 2220. Open space preservation developments.

- 1) *Authorization.* The purpose of this section is to provide open space preservation provisions for residential development as required by Public Act 177 of 2001. It grants developer's greater flexibility and efficiency in the design of single-family residential developments by allowing homes to be clustered on smaller lots and then surrounded permanently with preserved open space. The development community supports the concept because it reduces the cost of many infrastructure components including roads and public utilities. The environmental community supports the concept because it allows developers to avoid and preserve unique characteristics of a given parcel including small wetlands, tree lots and steep terrain.
- 2) *Objectives.* It is the intent of this section to encourage alternative subdivision designs which preserve Saginaw Charter Township's character and other important environmental elements, while providing neighborhoods that are desired by the community and the general public through permanent dedication of open space and a planned reduction of individual lot area requirements.
 - a) To promote the type of development that will compliment and enhance other land use activities located in the Agricultural and Low Density Residential Transitional areas of the township.
 - b) To encourage the use of open space provisions that will encourage developers to be creative and imaginative in the development of residential areas.
 - c) To utilize dedicated open space within a development as an amenity.
 - d) Maintain an image of open space within the township.
- 3) *Definitions.*
 - a) Common driveway. A driveway shared by two or more people and not considered to be road frontage. Frontage requirements can only be met by having frontage on a private or public road.
 - b) Cluster. A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
 - c) Cluster subdivision. A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture.
 - d) Front-loaded garage. Accessed from the side facing the street or roadway.
 - e) Open space. Land within or related to a development that is set aside as common land for recreational, conservation and agricultural uses and preserved in an undeveloped state or in such fashion approved by the planning commission. Further subdivision of open space lands or their use for other than recreation, conservation or agriculture shall be prohibited. Open space shall not include areas devoted

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- to the public or private road rights-of-way or any land that has been or is to be conveyed through deed or easement to a public agency for utilities.
- f) Private road. A road that provides direct access to a parcel which is not dedicated to and accepted by an authorized governmental road agency and is not maintained by any governing agency. A common driveway as used in this section does not constitute a private road.
 - g) Traffic calming techniques. A form of roadway design that naturally slows traffic by means of winding the roadway, creation of planting islands between traffic lanes and the planting of trees along the edge of roadways.
- 4) *Permitted uses.*
- a) Single family use. Single-family residential dwellings (including site condominiums) are permitted having a minimum of 1,040 square feet of living area.
 - (1) Setbacks. The following design parameters will be used to establish setbacks.
 - (a) The minimum distance between dwellings shall be 12 feet, six feet from property lines.
 - (b) Front and rear yard setbacks may be staggered to provide for maximum variety in the size of such yards. In no case shall the front yard setback be reduced below 20 feet. Rear yard setbacks may be reduced to 20 feet if said rear yard is contiguous with dedicated open space. Otherwise, said rear yard setback may not be less than 30 feet.
 - 1. Exception. If a garage is to be front loaded from the street, the minimum front yard setback from the street right-of-way or street easement shall be 24 feet.
 - (2) Lot width. The following design parameters will be used to establish lot widths:
 - (a) Lots not served by public sanitary sewer shall have a minimum of 100 feet of frontage at the front building line.
 - (b) Lots served by public water and sewer shall have a minimum of 70 feet of frontage at the front building line.
 - (3) Minimum exterior road buffer. The developer shall preserve a minimum of a 100-foot buffer from the proposed right-of-way along any county road or state highway servicing the open space development.
 - b) Residential accessory uses. For every single-family residential dwelling, two accessory buildings shall be permitted per parcel. One accessory building may be constructed up to 144 square feet in size and one accessory building may be constructed up to 720 square feet in size.
 - (1) Overall height may not exceed 15 feet to the peak from the average grade.
 - (2) Setbacks within an open space preservation development for residential accessory buildings shall be eight feet from the side property line and five feet from the rear property line.
 - c) Incidental accessory uses. Accessory uses incidental to the principal permitted uses include recreational activities, which are passive and occur on common open space lands only, such as soccer fields, softball fields and similar type fields, including parks and boat launches.
- 5) *General development standards.*
- a) Ownership and control. A proposed open space preservation development shall be under single or limited ownership control, such that a single person or entity has proprietary responsibility for the completion of the development. The applicant shall provide documentation of ownership or control in the form of agreements, contracts, or covenants that indicate the development will be completed as proposed.

- b) Density standards.
- (1) Number of dwellings.
- (a) The total number of residential dwelling units permitted in an open space preservation development shall be determined by submitting a limited detail conventional subdivision plan identifying the lots and buildable lands using the underlying zoning district in which the project will be located in.
- (b) The maximum number of lots allowed within an open space preservation development is the same as the number allowed in a conventional subdivision plan, not including additional lots allowed due to lot credits. In an open space preservation development each lot is smaller, according to the chart in example one. Once additional lots allowed are computed using credits, the open space preservation development site plan may be reviewed by the planning commission.
- (c) The planning commission shall review the limited detail conventional subdivision plan during the same meeting that the proposed new open space preservation development site plan is reviewed, this will ensure no delay during the review process.
- (d) In no case shall the maximum density specified for the zoning district in which the open space preservation development is located, be increased by more than the bonus percentage credit.
- c) Lot sizes: Lots not served by public or common sanitary sewer shall have a minimum lot size of 15,000 square feet. Lots served by public or common sanitary sewer and public water shall have a minimum lot area of 8,260 square feet.

Example One

Status	Lot Size
No sanitary sewer	15,000 square feet
With public water & sewer	8,260 square feet
Maximum lot size	20,000 square feet

- d) Density standards credit. The total number of dwelling units permitted in an open space preservation development shall be determined as explained in the density standards, and in the following bonus percentage increase given for the following credits;
- (1) Shoreline credit. To encourage preservation of river and stream areas and to provide an incentive for property owners to incorporate the areas surrounding water bodies into an open space network, a shoreline credit shall be permitted if all of the following requirements are met:
- (a) Step 1. One additional lot may be added to the open space conservation development for each 500 lineal feet of shoreline protected.
- (b) Step 2. A minimum of 100 feet of open space must be created along the shoreline that is protected subject to permanent open space dedication.
- (c) Step 3. All provisions of the Flood Plain Ordinance must be complied with when considering this credit.

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- (2) Pathway credit. To encourage the development of a pathway within the open space area, a pathway credit will be given to a developer who completes the following steps:
 - (a) Step 1. A credit of one additional lot shall be given if a pathway is created and installed. It must be installed prior to the sale of any lot within the development.
 - (b) Step 2. The pathway is no less than five feet wide, has a raised base so that it drains properly, is covered by a surface other than grass or dirt, such as wood chips, pavement or stone.
 - (c) Step 3. All pathways are significant in length as determined by the planning commission, in order to take advantage of the available open space. It is recommended that the pathway be circular in nature going around the development and connecting developments when feasible.
 - (3) Recreation area credit. To encourage the development of parks, playgrounds or recreational fields, a recreational area credit will be given to a developer who completes the following steps:
 - (a) Step 1. A credit of one additional lot shall be given if a recreation area is developed. The recreation area must be shown on brochures and must be staked out prior to the sale of any lot within the development so that potential buyers are aware of its location.
 - (b) Step 2. The recreation area must include one of the following items: 1) a baseball, soccer, football or similar field; 2) a picnic area with tables, park benches and a pavilion; 3) other non-motorized recreation areas that are approved by the planning commission.
 - (c) Step 3. All recreation areas will be significant in overall size and will be beneficial to the residents as determined by the planning commission, in order to take advantage of the available open space.
 - (d) Step 4. These recreation areas may be open to the public or limited to the use of residents living within the open space preservation development depending upon how the open space is restricted from further development. The means to allow public access or restricted access must be in the deed restrictions or master deed of the development.
 - (4) Open space area credit. To encourage the preservation of open space, an open space area credit will be given to a developer who can show a significant increase in open space area preservation. One of the following two options must be met:
 - (a) Option 1. A credit of one additional lot shall be given if a development preserves 60 percent of the determined buildable area as open space within a development.
 - (b) Option 2. A credit of two additional lots shall be given if a development preserves 70 percent of the determined buildable area as open space within a development.
- 6) *Open space standards.*
- a) Areas not considered open space. The following areas shall not be calculated as dedicated open spaces:
 - (1) Open space shall not include areas devoted to public or private road rights of way or any land that has been or is to be conveyed through a deed or easement to a public agency for utilities.
 - (2) Any area devoted to county drain easements.
 - (3) All existing surface water bodies and regulated wetlands.
 - (4) Area within a lot or condominium unit.
 - b) Calculating open space. Except as noted above, any undeveloped land area within the boundaries of the parcel may be included as required open space.

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- (1) Use of open space percentage. Dwelling units shall be grouped so that open space within a development is at least 50 percent of the total area of buildable land. The planning commission may approve a lesser percentage of open space within a development if an alternative density is calculated using bonus percentages and/or credits are approved.
 - (2) Open space access. Pedestrian access points to open space shall be required between rows of ten or more lots and at the end of cul-de-sacs. Access points must be of common ownership and a minimum of six feet in width. The planning commission shall determine if additional access points are necessary for pedestrian access to open areas or if a modification of this standard is necessary.
 - (3) Maintenance vehicle and open space access. Open space preservation developments shall provide maintenance vehicle access to interior common areas that require mowing or tiling. Maintenance vehicle access points shall be a minimum of 12 feet wide.
 - (4) Waterway buffering. All dwellings and accessory structures shall be no less than 100 feet from any lakes, ponds, rivers and streams. Only with approval of the planning commission may a roadway be placed within this buffer area and efforts should be made to eliminate any encroachment when possible. Within said buffer area, the planning commission shall determine whether or not it shall remain in a natural state or if landscaping is required.
- c) Preservation of open space. Open space shall be set aside by the developer through an irrevocable conveyance that is acceptable to the township. All forms of protecting open space within an open space preservation development shall be subject to the review of the township attorney and all transfers of property to the township are subject to approval by the township board. Forms of dedicating open space may include:
- (1) A conservation easement established per Public Act 197 of 1980, as amended.
 - (2) Covenants that run perpetually with the land. Use of dedicated open space may be restricted to dwelling owners within the development;
 - (3) Transfer of deed to township, county or state ownership with township board approval. The open space must be suitable for parks, ball fields, or public access to waterways and for a boat launch. The transferred dedicated open space will be considered public lands.
 - (4) Two forms of the above-mentioned preservation options may be used together if a portion of a parcel is being deeded to the township, county or state and a portion of a parcel is being retained for the development's dwelling owners to use exclusively as covenant protected open space.
- d) Conveyance standards. Such conveyance shall assure that the open space will be protected from all forms of development, except as allowed under this section and shown on an approved site plan and shall never be changed to another use. Such conveyance shall:
- (1) Indicate the allowable use(s) of the dedicated open space with site plan approval.
 - (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - (3) Provide standards for scheduled maintenance of the open space.
 - (4) Be recorded on every deed of parcels within the development.
- e) Trees in open space. Twenty-five trees per acre of open space preserved must be planted within the open space area. The trees shall not be less than six feet tall. The location of tree plantings and type of tree to be planted is subject to planning commission approval. All tree plantings shall be on dedicated open space areas only. No more than 50 percent of the same species of tree may be planted within the developments open space area. If recreation areas or farm fields are developed within the open space,

the tree plantings may be located around the perimeter of the fields or in groups. In addition, three trees each six feet tall must be installed on each unit or lot.

Number of Trees Required In
Open Space Area Per Lot Developed

25 Trees Per Acre of Preserved Open Space

- (1) An inspection of the required open space area and tree plantings shall be required by the developer a minimum of 12 months after initial planting. Any tree plantings that died or have been removed must be replaced.
 - (2) The planning commission may require a performance bond or cash deposit equal to the cost of the trees and their installation. The proceeds of this deposit shall be returned to the developer only after a written report from the developer is presented to the township stating the findings of the inspection. The township may inspect the site to verify all findings.
- f) Installation delay. If seasonal conditions such as snow and ice do not allow for the planting of trees in open space areas or the installation of sidewalks along open space, a delay in planting or installation may be granted.
- (1) The delay may only be granted until May 31, at which time planting of said trees and/or installation of pathways, must be commenced as determined by the community development director of the township.
 - (2) A performance bond or other acceptable monetary assurances will be required to ensure the required installation of sidewalks and/or tree plantings is completed. The township engineer shall determine the amount of monetary assurance to be held by the township until the required work is completed.
 - (3) If after May 31, the required sidewalk installation or tree plantings have not commenced as determined by the building inspector, the township may use the deposited funds to complete the required work.
 - (4) All additional funds necessary to complete said work above the deposited amount will be charged to the parcel owner(s) and if necessary a lien will be placed on the parcel and required funds may be collected from the property tax paid on said parcel(s).
- 7) *Housing development standards.*
- a) Dwelling placement. Dwelling units shall be carefully located and designed. Dwelling placement shall be planned to screen homes from off-site vantage points, away from environmentally sensitive areas, existing agricultural uses and away from areas subject to land management practices that will cause dust, noise, smoke, odors or similar problems.
 - b) Residential tree planting. All residential lots shall have three trees planted in the front yard area a minimum of six feet high prior to obtaining an occupancy permit.
 - c) Sanitary sewer. If sanitary sewer or public water is provided within the development, all provisions for the review and approval by the township must be completely followed. If there is public sanitary sewer within 500 feet from any portion of the proposed development, the sanitary sewer shall be provided according to township requirements.
 - d) Water. If there is an existing or extendible public water supply within 500 feet from any portion of the proposed development, the water shall be provided according to township requirements.

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- e) Lot drainage. All lots shall have lot drainage that shall comply with requirements of Saginaw Charter Township's Storm Water Management Ordinance. Undisturbed open space area may not be required to be evaluated for storm water review.
 - f) Septic system. If not served by public sanitary sewer, the following on-site septic system procedure may be followed upon township approval:
 - (1) In order to meet the Saginaw County Health Department and Department of Environmental Quality's requirement for lot size, a portion of the open space area may be used for septic system lot size computation and if necessary for its installation.
 - (2) The open space area used for septic system computation and installation must be restricted to the installation of an individual dwelling septic system only. The following conditions must be met prior to township planning commission approval of any such system:
 - (a) The development is not served by public or common sanitary sewer.
 - (b) The septic system must be placed as close as possible to the dwelling using the system.
 - (c) The county health department and all state required installation details must be followed.
 - (d) Open space area used as part of the required septic system computation may only be used once.
 - (e) The site plan submitted for review by the township planning commission must show the area to be used in the septic system calculation.
 - (f) The parcel owner must remove the septic system from the open space if public sanitary sewer is connected to the dwelling.
 - (g) Open space areas having septic systems on them may not in any way be turned over to the township as township property.
 - (h) If the open space is farmed, no plantings shall be allowed over the septic system.
 - (i) No trees may be planted over a septic system in the open space.
 - 8) *Prior to construction.* Prior to any residential construction within an open space preservation development, all roadways, drainage and utilities must be installed within one year of the first home start. All pathways must be installed prior to any residential construction.
 - 9) *Signage.* All proposed signage in the residential area shall be regulated as if it were zoned R-1, Low Density Residential.
 - 10) *Provisions not specifically mentioned.* Any requirement not specifically mentioned within this section shall automatically revert to standards associated with the R-1, Low Density Residential Zoning District.
 - 11) *Government construction authority standards.* Nothing in this section shall be construed as prohibiting further construction or use of land by any government body for public purposes where consistent with the zones and regulation of this chapter.

(Ord. No. 636, 2-24-2003)

Sec. 2221. Planned neighborhood development (PND).

- 1. *Scope.* The following requirements apply to all planned neighborhood development (PND) special use permit applications.

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2. *Purpose.* These regulations are intended to ensure neighborhood compatibility, maintain harmony and character of existing residential areas, and ensure residential infill development occurs in an orderly and desirable manner. It is also intended to:
 - a. Allow flexibility in lot sizes to facilitate infill development.
 - b. Provide development standards and guidelines to promote compatibility between existing and new development.
 - c. Eliminate regulatory constraints (e.g., restrictive zoning) to residential infill development and establish public processes and regulations that support appropriate infill development.
 3. *Applicability.* These regulations pertain to the R-1 and R-1A zoning districts where PNDs are permitted by special use permit. The PND regulations can be used for development proposals that meet the following criteria:
 - a. *Minimum lot size:* A parcel, or a group of adjacent parcels, existing on the date of the adoption of these provisions not less than five acres in total area.
 - b. *Maximum lot size:* Shall be less than ten acres.
 - c. *Uses:* Single-family dwellings and customary accessory uses, as defined in chapter 2, section 202(1) and section 305.
 4. *Design standards.*
 - a. *[Compatibility with existing infrastructure.]* The project shall be compatible with the existing infrastructure.
 - b. *Compatibility with adjacent uses.* The proposed planned neighborhood development project shall set forth in detail all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site and the land uses. In determining whether this requirement has been met, consideration shall be given to:
 - i. The bulk, placement, and materials of construction of proposed structures.
 - ii. Pedestrian and vehicular circulation.
 - iii. The location and screening of vehicular use or parking areas.
 - iv. The provision of landscaping and other site amenities.
 - c. *Circulation.* A PND project shall provide internal circulation for vehicular, pedestrian, and non-motorized movement within public rights-of-way and/or general common elements as follows:
 - i. *Internal access:* The vehicular and non-motorized circulation system shall provide access to all lots, uses, and buildings within the planned neighborhood development.
 - ii. *Connections:* The vehicular and non-motorized circulation system shall connect with existing adjacent developments and non-motorized systems or shall be designed to provide connections to future adjacent developments and planned street and non-motorized improvements, as recommended by the planning commission.
 - d. *Architectural and site element design.*
 - i. To encourage diversity in design, at least three significantly different architectural styles shall be provided for each floor plan. Elevations shall be structurally different with different roof types facing the street. The entry should be the focal point of the home through the use of roof elements, columns, porticos, and/or other architectural features.

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- ii. Exterior building wall finish on all primary structures, exclusive of windows and doors, that face the street shall consist of a minimum 35 percent brick veneer, rock, or stone masonry. No more than 15 percent EIFS, stucco, wood, or concrete-board shall be permitted. Excepting for metal roofs, exposed metal or exposed concrete block buildings shall not be permitted.
 - iii. Garages should be designed and located to reduce the visual impact of garage doors along street frontages. A mix of garage orientations (i.e. significantly recessed front facing, side entry, tandem) shall be provided.
 - iv. Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the surrounding area, and natural features of the area. Street and/or site lighting shall be required.
- e. *Enhanced landscaping.*
- i. All PND proposals shall provide landscaping that is above and beyond that of the requirements listed in the zoning ordinance. Street trees are required on each lot. Trees shall be provided in the front yard, be placed at a rate of at least two per lot, and be at a maximum distance apart of 20 feet. Such trees shall be of the large deciduous type such as oak, hard maple, or similar type. Black locust, box elder, catalpa, elms, chestnut, poplars, and willows shall not be allowed. Trees shall be a minimum of eight feet in height at the time of planting. PND landscaping shall enhance the street frontage, and will promote privacy between units.
5. *Resulting lots.* A parcel that meets the requirements outlined in this section shall be divided into individual lots or site condominiums no smaller than the requirements outlined within this section.
- a. Minimum resulting lot size: 8,000 square feet.
 - b. Minimum resulting lot width: 65 feet.
 - c. Minimum resulting lot depth: 120 feet.
 - d. Minimum front yard: 25 feet.
 - e. Minimum rear yard: 30 feet.
 - f. Minimum side yard: Eight feet.

(Ord. No. 753, 8-14-2017)

Sec. 2222. Solar energy systems (SES).

1. *Intent.* It is the intent of this Ordinance to regulate the safe, effective, and efficient use of solar energy systems (SES) in order to reduce or replace the consumption of electricity supplied by utility companies.
2. *Definitions.*
 - A. *Building integrated photovoltaic (BIPV) systems.* A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade, and which does not alter the relief of the roof.
 - B. *Ground-mounted solar energy system.* A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.
 - C. *Photovoltaic (PV) systems.* A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever sunlight strikes them.

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- D. *Rooftop solar system.* A solar energy system in which solar panels are mounted on top of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted.
 - E. *Solar collector.* A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.
 - F. *Solar energy system.* Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar.
 - G. *Solar panel.* A device for the direct conversion of solar energy into electricity.
 - H. *Solar-thermal system.* Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.
 - I. *Wall-mounted solar energy system.* A solar energy system that is installed flush to the surface of the wall of a permanent building.
3. *Applicability.*
- A. The requirements of this Ordinance shall apply to all SES installed after the effective date of this Ordinance. These uses may be authorized by the issuance of a special use permit or as otherwise cited when all of the procedures and Ordinance requirements stated and the additional requirements of this section can be complied with.
 - B. SES which were installed prior to the effective date of this ordinance shall not be required to meet the requirements of this Ordinance except for modifications to an existing SES that increase the SES area by more than ten percent of the original footprint or that change the solar panel type. Only the modification or alteration is subject to this Ordinance.
4. *Types of solar energy systems.*
- A. *Level 1 solar energy systems.* Level 1 solar energy systems generally provide energy primarily for on-site uses. Level 1 systems may be comprised of the following:
 - i. Rooftop solar energy systems on any structure.
 - ii. Rooftop solar thermal systems on any structure.
 - iii. Ground-mounted solar energy systems may occupy an area up to 50 percent of the footprint of the principal structure on the parcel, but shall in no case exceed 1,000 square feet in area on any residentially-zoned parcel, or 10,000 square feet on parcels located in all other zoning districts.
 - iv. Building integrated photovoltaic (BIPV) systems.
 - B. *Level 2 solar energy systems.* Level 2 solar energy systems are those systems that may provide energy for on-site and/or off-site uses that are of a size exceeding the permitted ground area coverages of a level 1 SES; subject to the area limitations stipulated for the zoning districts in which they are located, as follows:
 - i. Agricultural zoning districts: Solar energy systems not to exceed 20,000 square feet in area.
 - ii. Commercial zoning district: Solar energy systems not to exceed 200,000 square feet in area.
 - iii. Campus business district: Solar energy systems not to exceed 200,000 square feet in area.
 - iv. Manufacturing zoning district: Solar energy systems not to exceed 200,000 square feet in area.

C. *Level 3 solar energy systems.* Level 3 solar energy systems are those systems that exceed the parameters stipulated for level 1 and level 2 solar energy systems.

5. *Permitted zoning districts.* SES are allowed as demonstrated in the below table:

Table: Solar Energy Systems (SES) Permitted Zoning Districts

Types of Solar Energy Systems		Permitted Zoning Districts					
		FC-1	A-2	R-1, R-1A, R-2, R-3, R-4	B-1, B-2, B-3, B-4	CB-1	M-1
Roof Mounted SES Wall Mounted SES BIPV SES		P	P	P	P	P	P
Ground	Level 1	P	P	P	P	P	P
Mounted>	Level 2	S		S	S	S	
SES	Level 3	S			S	S	

P = Permitted use under special conditions subject to regulations herein.

S = Permitted by special land use permit subject to regulations herein.

6. *General regulations.*

- A. *Zoning administrator review.* All SES which are a permitted use in a zoning district shall be subject to review and approval by the zoning administrator. Exceptions to zoning administrator review shall be a single solar panel less than ten square feet in area or the repair and replacement of equipment related to an existing solar energy system which does not increase the size of the system. Applicants for zoning administrator review shall submit a site plan to the zoning administrator providing the setbacks and height of the equipment including a data sheet from the equipment manufacturer.
- B. *Setbacks.* On a residentially-zoned or residentially-utilized parcel, ground-mounted SES shall not be located in front of the established building line and/or front yard setback, whichever is greater, and shall have a minimum setback of five feet from the rear property line and eight feet from the side property line. In all other zoning districts ground mounted SES shall not be located in the required front, side or rear yard.
- C. *Height.*
 - i. *Ground mounted:* Ground mounted solar energy collectors in residential districts shall not exceed eight feet in height as measured from ground level to the top of the solar collectors when oriented at maximum tilt. Ground mounted solar energy collectors in other districts shall not exceed 17 feet in height as measured from ground level to the top of the solar collectors when oriented at maximum tilt.
 - ii. *Rooftop mounted:* Rooftop mounted SES shall not project more than five feet above the highest point of the roof, but, in any event, shall not exceed the maximum building height for the zoning district in which it is located. Roof-mounted SES shall not project beyond the eaves of the roof.
- D. *Wall mounted SES.* Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
- E. *Solar thermal systems.* Solar thermal systems shall be a permitted use by-right in all zoning districts.
- F. *Design and construction.* The design and construction of solar energy systems shall not produce light emissions, either direct or indirect (reflective), that would emit unreasonable glare or negatively impact adjacent properties. All panels shall have tempered, non-reflective surfaces.

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- G. *Lot coverage.* The surface area of ground-mounted solar collectors shall not be included in the calculation of the maximum permitted lot coverage requirement for any parcel of land.
- H. *Accessory use.* Level 1 SES shall be considered an accessory use, not the principal use, on agriculturally-zoned and residentially-zoned parcels. Level 2 SES shall be considered an accessory use, not the principal use, on agriculturally-zoned parcels.
- I. *Buffering.* Buffer zones around the perimeter of an SES shall be required in accordance with bufferyard requirements outlined in section 303.4 herein as they pertain to the zoning district in which they are located. The planning commission may require additional bufferyard and screening requirements as necessary.
- J. *Buried power lines.* On-site power lines related to SES shall be buried except where necessary to connect to existing overhead transmission lines or where prohibited by natural features.
- K. *Security.* Special land use permit applicants for a level 3 SES shall submit a security plan detailing on-site security provisions which could include fencing, full-time security guards, video surveillance, etc.
- L. *Construction waste management plan.* The initial construction of level 2 or level 3 SES can produce large quantities of cardboard, wood, scrap metal, and scrap wire. Applicants for a level 2 or level 3 SES shall submit a waste removal plan describing the methods of waste disposal.
- M. *Decommissioning.* At the time an application is submitted for a level 2 or level 3 SES, as required by section 2222.5, a decommissioning plan shall be submitted as follows:
- i. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.)
 - ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and building foundations to a depth of three feet below grade.
 - iii. Restoration of property to the condition prior to development of the SES.
 - iv. The timeframe for completion of decommissioning activities.
 - v. An engineer's cost estimate for all aspects of the decommissioning plan.
 - vi. Description of any agreement (e.g., lease) with the landowner regarding decommissioning.
 - vii. Provisions for updating the decommissioning plan.
 - viii. The decommissioning of any electrical equipment/components shall be executed by a licensed electrical contractor.
 - ix. A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the decommissioning plan and the special land use permit upon cessation of use.
 - x. Saginaw Charter Township may mandate that the owner or operator provide a financial guarantee to cover the costs of decommissioning the site.
 - xi. The decommissioning plan shall be recorded with the Saginaw County Register of Deeds.
 - xii. The Saginaw Charter Township Electrical Inspector shall conduct a final inspection to confirm that the SES has been decommissioned consistent with the provisions of the decommissioning plan.
 - xiii. Saginaw Charter Township may require a performance bond or other financial guarantee to ensure removal of the approved solar energy system upon the terms identified in M.i above. Such financial guarantee or bond shall be sufficient to cover removal and disposal of all built solar

improvements, as well as landscape restoration of the site, adjusted for inflation over 20 years or other term as agreed upon by the township.

7. *Other approvals required.*

- A. *Building/electrical permits.* Nothing in this Ordinance modifies the building code and electrical code standards, as amended, to construct a SES.
- B. *Fire department approval.* Nothing in this Ordinance modifies the requirements or exempts any SES from compliance with the applicable regulations of the International Fire Code as adopted by Saginaw Charter Township.
- C. *Onsite wastewater system avoidance.* Nothing in this Ordinance modifies the regulations of the Saginaw County Health Department requirements. A SES shall not be constructed over on-site wastewater systems (e.g. septic systems) unless approved by the Saginaw County Health Department.
- D. *Stormwater approval.* Nothing in this Ordinance modifies the requirements or exempts any SES from compliance with the applicable regulations established by the Saginaw Charter Township Stormwater Management Plan or the Saginaw County Drain Commissioner's Office. The growth of vegetation beneath the arrays of solar panels is encouraged in order to limit the impacts of stormwater runoff. A landscaping and maintenance plan should be provided as part of site plan review.
- E. *Airports.* Solar energy systems may create a glare hazard for pilots. Applicants for level 1, level 2, and level 3 SES over 20,000 square feet shall comply with Federal Aviation Administration siting requirements.

(Ord. No. 771 , 9-28-2020)

Sec. 2223. Marihuana safety compliance facilities.

- 1. Intent.
 - a) It is the intent of this Ordinance to permit one marihuana safety compliance facility in compliance with Chapter 83—Marihuana Safety Compliance Facilities of the Code of Ordinances of Saginaw Charter Township.
 - b) In accordance with chapter 83, one marihuana safety compliance facility may be permitted by special use permit within the B-2, Commercial (neighborhood), zoning district. All other marihuana establishments shall be prohibited.
 - c) Further, it is the intent of this Ordinance to provide for the adoption of zoning restrictions to protect the public health, safety, and general welfare of the township at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons.
- 2. Definitions. See Chapter 83—Marihuana Safety Compliance Facilities of the Code of Ordinances of Saginaw Charter Township for definitions related to marihuana safety compliance facilities.
- 3. Permitted marihuana safety compliance facilities. A maximum of one marihuana safety compliance facility may be permitted within the B-2, commercial (neighborhood), zoning district. The entire parcel or lot upon which a marihuana safety compliance facility is located shall be zoned B-2, commercial (neighborhood), at such time a special use permit application is submitted.
- 4. Dimensional requirements shall be in compliance with section 1605.
- 5. Off-street parking and loading requirements shall be reviewed in accordance with section 402.2. requirements for a use not mentioned.

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6. All marihuana shall be contained within a principal building and within an enclosed, locked facility in accordance with the Medical Marihuana Facilities Licensing Act and/or the Michigan Regulation and Taxation of Marihuana Act, as applicable.
 - a) If only a portion of a principal building is authorized for use as a marihuana safety compliance facility, a partition wall of at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall be provided to separate the marihuana facility from the remainder of non-marihuana facility areas within the building. The partition wall shall include a door, capable of being closed and locked, for ingress and egress between the marihuana facility and the remainder of the building.
 7. Security cameras. Exterior security cameras shall be provided and directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state. Recordings shall be kept for 90 days.
 8. Maintenance.
 - a) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner as determined by the zoning administrator so that litter and waste do not constitute a source of contamination in areas where marihuana is exposed.
 - b) Floors, walls, and ceilings within the building containing the marihuana establishment shall be constructed in such a manner that they may be adequately cleaned and kept in good repair as determined by the zoning administrator.
 9. Odor. As used in this subsection, the term building means the principal building, or any portion thereof, used as a marihuana safety compliance facility.
 - a) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - c) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - d) Negative air pressure shall be maintained inside the building.
 - e) Doors and windows shall remain closed at all times, except for the minimum length of time needed to allow people to ingress or egress the building.
 - f) An alternative odor control system is permitted if the applicant submits, and the municipality accepts, a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well as or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advice as to its comparability and whether, in the opinion of the expert, it should be accepted.
 10. Hours and days of operation. The hours and days of operation of a safety compliance facility shall be in compliance with any limitations imposed as a condition of license approval.
 11. Buffer zones. A marihuana safety compliance facility shall not be located within the distance specified from the uses below as determined by the township. Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows:

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- a) A marihuana safety compliance facility shall be prohibited from being located within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any grades one through 12. The distance between the school building and the marihuana safety compliance facility shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the school building nearest to the marihuana safety compliance facility and from the part of the marihuana safety compliance facility nearest to the school building.
 - b) A marihuana safety compliance facility shall be prohibited from being located within 1,000 feet of the real property comprising or used by a preschool child care facility, nursery school, day nursery, or day care as regulated by the zoning ordinance. The distance between the regulated building and the marihuana safety compliance facility shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the regulated building nearest to the marihuana safety compliance facility and from the part of the marihuana safety compliance facility nearest to the regulated building.
 - c) A marihuana safety compliance facility shall be prohibited from being located within 100 feet of a residentially zoned structure. The distance between the residentially zoned structure and the marihuana safety compliance facility shall be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the residentially zoned structure nearest to the safety compliance facility and from the part of the safety compliance facility nearest to the residentially zoned structure.
 - d) A marihuana safety compliance facility shall be prohibited from being located within 100 feet of a vacant residentially zoned parcel. The distance between the residentially zoned vacant parcel and the marihuana safety compliance facility must be measured along the center line of the street or streets of address between two fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the intersection of the minimum front or rear yard and side yard setback requirement nearest to the marihuana safety compliance facility and from the part of the marihuana safety compliance facility nearest to the intersection of the minimum front or rear yard and side yard setback requirement.

(Ord. No. 779 , 11-8-2021)

PART IV [ADMINISTRATION]

CHAPTER 23. ADMINISTRATION¹³

Sec. 2301. General administration.

The provisions of this Ordinance shall be administered by the township planning commission and the township board in conformance with Public Act No. 184 of 1943 (MCL 125.271 et seq.), Township Zoning Act and Public Act No. 168 of 1959 (MCL 125.321 et seq.).

1. *Responsibility.* The legislative body shall employ a zoning administrator to act as its officer to effect proper and adequate administration of this Ordinance. The legislative body may designate the building inspector as

¹³Cross reference(s)—Administration, ch. 2.

the zoning administrator. The term of employment, compensation, and any other conditions of employment shall be established by the legislative body. For the purposes of this Ordinance, the zoning administrator shall have the power of the code enforcement officer and shall delegate the duties of such as needed.

2. *Duties of zoning administrator.* All applications for sign permits or certificates of occupancy shall be submitted to the zoning administrator who may issue certificates of occupancy or sign permits when all applicable provisions of this Ordinance have been met. The zoning administrator shall be empowered to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance.

Under no circumstances is the zoning administrator permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties.

3. *Sign permit.* Prior to the construction, erection or structural alteration of a sign, a permit shall be obtained from the zoning administrator. Application shall be on a standard prepared form obtained from the zoning administrator.
4. *Certificate of occupancy.* A certificate of occupancy shall be obtained from the zoning administrator for any of the following:
 - a) Occupancy and use of vacant land (including parking lot construction) or of a building hereafter erected or structurally altered.
 - b) Change in the use of land or building, except to another use which represents a continuation of a use under a previous certificate of occupancy.
 - c) Any change in use or enlargement of a nonconforming use or building.

No such occupancy, use or change of use shall take place until a certificate of occupancy therefor shall have been issued by the zoning administrator.
5. *Application for certificate of occupancy.*
 - a) *Application.* In all cases where a building permit is required, written application for a certificate of occupancy shall be made coincident with the application for such building permit, and in all cases shall be made not less than ten days prior to the time when a new, changed, or enlarged use of a building or structure is intended to begin.
 - b) *Information required.* Application for certificate of occupancy shall be accompanied by a plat, in duplicate and drawn to scale, showing the exact dimensions of the premises to which the certificate of occupancy is to apply; the lines of all lots or parcels under separate ownership contained therein; the width and alignment of all abutting streets, alleys, easements of access and public open spaces; the size, position and height of all buildings or structures erected or altered thereon; and such other information as may be deemed necessary by the zoning administrator for the proper enforcement of this Ordinance.
 - c) *Accessory buildings or structures.* When erected at the same time as the principal building or structure on a lot shown on the application therefor, [accessory buildings or structures] shall not require a separate certificate of occupancy.
 - d) *Record of applications.* A record of all such applications for certificate of occupancy shall be kept on file by the zoning administrator. Whenever the buildings, structures, premises and uses thereof as set forth on the application are in conformity with the provisions of this code and other applicable regulations, it shall be the duty of the building inspector to issue any necessary building permit, and when such permit is denied, to state such refusal in writing, with cause.
 - e) *Issuance of certificate of occupancy.* After notification that the building, structure or premises, or part thereof, is ready for occupancy and inspection, the zoning administrator shall make final inspection thereof, and if all provisions of this code and other applicable regulations have been complied with, he

shall issue a certificate of occupancy which shall show such compliance. When a certificate of occupancy is denied on the grounds of a zoning violation, such refusal shall be stated in writing with reasons for said denial.

A temporary certificate of occupancy may be issued by the zoning administrator for a part of a building or structure or premises prior to completion of the entire building, structure or premises, provided it is sufficiently clear all provisions of this Ordinance will be met.

The zoning administrator shall certify, after proper examination, the extent and kind of use, and whether or not the use conforms to district requirements. Failure to file such application shall place the burden of proof as to the date of establishment of any use upon the owner.

Sec. 2302. Enforcement.

The zoning administrator shall enforce the provisions of this Ordinance.

1. *Violations and penalties.* Violations of any provision of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed by or communicated to a township official or employee shall be reported to the zoning administrator.
 - a) *Inspection of violation.* The zoning administrator shall inspect each alleged violation or violations he observes or is aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
 - b) *Correction period.* All violations shall be corrected within a period of ten days after the order to correct is issued or in such longer period to time, not to exceed six months, as the zoning administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the township attorney, who is hereby authorized to and shall initiate procedures to eliminate such violation.
 - c) *Penalties.* Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premises, or part thereof, where any violation of this Ordinance shall exist or shall be created who shall violate or refuse to comply with any of the provisions of this code shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment for a term of not to exceed 90 days, or by both such fine and imprisonment, within the discretion of the court. [After] the permissible grace period a separate offense shall be declared.
 - d) *Cumulative rights and remedies.* The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
2. *Conflicting regulations.* In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or ordinance, the provisions of this Ordinance shall govern; provided also that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

(Ord. No. 641, 4-28-2003)

Editor's note(s)—The penalty in subsection 2302 1.c) has been superseded by Ord. No. 600, making violations a municipal civil infraction. See Township Code, § 1-5.

Sec. 2303. Amendment.

1. *Legislative body may amend.* The legislative body may amend the regulations and provisions stated in the text of this Ordinance, and the boundaries of zoning districts shown on the zoning district map may be amended, supplemented, or changed by ordinance by the legislative body in accordance with the applicable zoning enabling legislation of the state.
2. *Initiation of amendments.* Proposals for amendments, supplements, or changes may be initiated by the legislative body of its own action, by the planning commission, or by petition of one or more owners of property to be affected by the proposed amendment.
3. *Amendment procedure.*
 - a) *Petition to legislative body.* Each petition by one or more owners for an amendment shall be submitted upon an application of standard form to the township clerk. A fee as established by the legislative body shall be paid at the time of application to cover costs of necessary advertising for public hearings, for use of a standard amendment sign, and investigation of the amendment request. No part of such fee shall be returnable to a petitioner. The township clerk shall transmit the application to the planning commission for recommended action. In the event the allowance of a desired use requires both a rezoning and special use permit, both requests may be submitted jointly, subject to the following:
 - i) The ordinance procedures for each shall be followed as specified.
 - ii) All applicable standards and specifications required by the ordinance shall be observed.
 - b) *Recommendation.* The planning commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the development plans for the community. The planning commission may recommend any additions or modifications to the original amendment petition.
 - c) *Public hearing.* The planning commission shall conduct at least one public hearing with notice given in accordance with section 2305.
 - d) *Saginaw County Metropolitan Planning Commission.* Following the conclusion of the public hearing, the township planning commission shall submit the proposed amendment, including any zoning district map, to the Saginaw County Metropolitan Planning Commission for its review. The approval of the county planning commission shall be conclusively presumed unless such commission shall, within 30 days of its receipt, have notified the legislative body of its disapproval or approval.
 - e) *Legislative body.* Upon receipt of the planning commission together with the county planning commission's recommendation, the legislative body shall review said recommendations.

If the legislative body shall deem any amendments, changes, additions, or departures are advisable to the proposed ordinance amendment recommended by the planning commission, it shall refer the same back to the planning commission for a report thereon within a time specified by the legislative body.

After receiving the proposed amendment recommendations heretofore specified, the legislative body shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the planning commission to attend such hearing.

Thereafter, the legislative body may deny or adopt the amendment with or without any changes.
 - f) *Resubmittal.* No application for a rezoning which has been denied by the legislative body shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly

discovered evidence or proof of changed conditions found upon inspection by the legislative body to be valid.

4. *Findings of fact required.* In reviewing any petition for a zoning amendment, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full, along with its recommendations for disposition of the petition, to the township board within 90 days of the filing date of the petition. The facts to be considered by the planning commission shall include, but not be limited to, the following:
- a) The requested zoning change is consistent with the adopted comprehensive development plan, unless one of the following is substantially demonstrated:
 - i) There was an original mistake in the zoning classification.
 - ii) There have been significant changes in conditions since adoption of the plan.
 - iii) There has been a change in public development policies for the area in question.
 - b) Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - c) The precedents and possible effects of such precedents which might result from approval or denial of the petition.
 - d) The capabilities of the township or other government agencies to provide any services, facilities and/or programs that might be required if the petition were approved.
 - e) The probability of any significant negative environmental impacts which would result if the petitioned zoning change occurred and the resulting permitted structures were built.
 - f) The effect of approval of the petition on the condition of and/or value of property in the township or in adjacent civil divisions.
 - g) The effect of approval of the petition on adopted development policies of Saginaw Township and other government units.
 - h) Whether the proposed change is consistent with other zones, land uses and the trend of development in the area.
 - i) All findings of fact shall be made a part of the public records of the meetings of the planning commission and the township board. An amendment shall not be approved unless these and other identified facts are affirmatively resolved in terms of the general health, safety and welfare of the citizens of Saginaw Township or civil divisions where applicable.
5. *Conditional rezoning request.* Saginaw Charter Township will not require nor imply that conditional zoning or zoning agreements are a necessity or a condition for approval.
- a) A request for conditional zoning or a zoning agreement shall be submitted, in writing, to the zoning administrator, chairman of the township planning commission and the township supervisor. The request shall be required prior to any application for rezoning or appearance before the planning commission.
 - b) Upon receipt of the request, the zoning administrator will prepare a memo to the planning commission and the township board detailing that a request has been received, from whom and the area proposed for rezoning. The applicant will receive a copy as well. The zoning administrator, the township supervisor and the chairman of the planning commission will arrange for an informal meeting with the developer to discuss the specific request or requests.

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- c) Informal review process. An informal meeting will be held with the zoning administrator, the township supervisor and chairman of the planning commission and the proposed developer or developers. During the meeting the developer should be prepared to provide the following information, in writing:
- i. The zoning district desired.
 - ii. The specific use proposed.
 - iii. A conceptual layout. A full site plan is not needed at this time.
 - iv. Identification of particular items that might be necessary to mitigate the proposed rezoning and associated development.
- d) From this informal meeting, the township will provide a follow-up letter to the developer and copied to the planning commission and township board which details the following:
- i. The proposed use of the parcel and the desired zoning district.
 - ii. A discussion of all related zoning requirements included within the existing zoning ordinance.
 - iii. A discussion of potential items in addition to the typical zoning requirements, which may be necessary or desirable to mitigate the proposed rezoning, and associated development.
 - iv. A proposed timeline for the process, identifying key dates for submittal, public hearings and tentative approval.
 - v. An overview of the discussion, including any relative buffering or other such items which may be considered by the planning commission in terms of surrounding uses, intensity of surrounding uses and the purpose and intent of the zoning regulations and the adopted master plan and any other policy documents or guide so adopted by the township.
- e) Formal review process. Using the proposed timeline as a guide, the developer or developers will submit all their required information, which for conditional zoning or zoning agreement shall be:
- i. At a minimum, a site plan done to such a level of detail that assures the basic arrangement of any structures and connection to required utilities.
 - ii. An elevation of the proposed structure.
 - iii. The rezoning request must be submitted in accordance with the township's rezoning policy, which requires submission at least 30 days prior to the next regularly scheduled planning commission meeting.
- It is important to note that these items will be made part of the approval of the rezoning. Failure to complete the project as approved by the township may result in a loss of the status of the conditional zoning.
- f) All public notifications, reviews and hearings will be scheduled and advertised as set forth in the zoning ordinance and as typically practiced in the township for the rezoning of land. If the proposed use requires a special land use permit, the special land use permit and hearing may be conducted concurrently if the site plans and appropriate documentation are provided.
- g) The township attorney will draft a zoning agreement for execution by the township and the developer.
- h) Any and all conditions imposed as part of the conditional zoning or zoning agreement process must meet the following criteria:
- i. Conditions such as building appearance, landscaping, setbacks in an amount more than what is required by the current zoning ordinance; screening or buffering in an amount more than what is required by the current zoning ordinance, etc., shall be directly related to the proposed project

and serve to mitigate any potentially deleterious effects on surrounding properties or properties in general.

- ii. Conditions serving as additional performance standards, including but not limited to lighting, noise, traffic, etc., shall be directly related to the proposed project and development and should serve to mitigate any potentially deleterious effects on surrounding properties, the road network, and the general area.
 - iii. Conditions limiting the specific use of the property are permitted, however, the planning commission and township board should be mindful of being too specific. For example, limiting a use to a "professional office" may prevent the parcel from being used for something similar in intensity, yet different, such as a day care center or commercial or private school. Care should be taken to be specific in terms of standards and intensity and more flexible in terms of naming specific uses.
 - iv. The planning commission will forward their recommendations to the township board for consideration.
- i) If the planning commission recommends, and the township board approves a conditional zoning or zoning agreement request, the zoning designation will be noted on the zoning map as an overlay district and the zoning will be referenced as a footnote on the map itself. The footnote will refer to the actual zoning case, the zoning approval and specific conditions and the ordinance number.
 - j) Final zoning agreement. A zoning agreement shall be drafted by the township attorney and executed. The developer shall be responsible for all costs associated with the drafting and executing of the zoning agreement.
 - i. The developer, the chairman of the planning commission and the township clerk shall all sign the submitted documentation. A copy will be returned to the developer and the original shall stay with the township.
 - ii. A copy will be recorded at the Saginaw County Register of Deeds office.
 - k) Enforcement. By approving the conditional zoning or zoning agreement, the township grants rezoning and then, subsequently or concurrently, site plan approval. The specific conditions imposed and agreed to by the developer and the township become part of the approval.
 - l) Should the developer not meet the conditions as specified, they will be considered in violation of the Township Zoning Ordinance and will be pursued as such.
 - m) Any change to the conditions shall require a rezoning and shall follow the same procedure as identified in subsection 2303.5.
 - n) Should the developer not complete the proposed project within 18 months, the property shall revert to the previous zoning classification.
 - o) Should the developer abandon the specific use and it is vacant and/or abandoned for a period of 18 months, the parcel shall convert to its previous zoning classification.
 - p) A property that reverts from conditional zoning will be considered a legal nonconforming use and subject to all applicable zoning regulations. Reversion of the subject property shall require:
 - i. The original developer, the current property owner (if different) and the occupant(s) of the property shall be notified of the pending reversion by certified mail. The township board and planning commission shall receive the same notice. The notice will provide a 30-day period for which the developer/owner can seek an extension of the time frame or begin construction.

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- ii. If, after the 30 day time frame, no action or formal request has been made, the property in question and so legally described and noted, will be published as a rezoning. The same notice and publication requirements followed for a typical rezoning process shall be followed. The notice will include a time and date for a public hearing at which comments related to the reversion will be held.

(Ord. No. 692, 10-23-2006; Ord. No. 694, 1-8-2007)

State law reference(s)—Zoning amendments, MCL 125.284.

Sec. 2304. Board of appeals.

1. *Creation and membership.*

- a) *Establishment.* The township board, upon exercising the authority of Public Act No. 184 of 1943 (MCL 125.271 et seq.), provides that a township board of appeals be established.
- b) *Membership, terms of office.* The township board of appeals shall consist of five members. The first member of the board of appeals shall be a member of the township planning commission. The remaining members of the board of appeals shall be selected from the electors of the township. The members selected shall be representative of the population distribution and of the various interests present in the township. One member may be a member of the township board. An elected officer of the township shall not serve as chairman of the board of appeals. An employee or contractor of the township board may not serve as a member or an employee of the township board of appeals. The township board may appoint not more than two alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals. 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 public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. The term of office for members appointed to the zoning board of appeals shall be for three years, except for members serving because of their membership on the planning commission or legislative body, whose terms shall be limited to the time they are members of those bodies. The term of each member shall be for three years, except that of the members first appointed two shall serve for two years and the remaining members for the three years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. A township board of appeals shall not conduct business unless a majority of the members of the board are present.

2. *Organization and procedures.*

- a) *Rules of procedure.* The board of appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The board shall choose its chairman and, in his absence, an acting chairman.
- b) *Meetings.* Meetings shall be held at the call of the chairman and at such times as the board of appeals may determine. All meetings by the board shall be open to the public. The board may declare any

meetings, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

- c) *Records.* Minutes shall be recorded of all proceedings which shall contain evidence and date relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the township clerk and shall be made available to the general public.
- d) *Counsel.* The township attorney shall act as legal counsel for the board and shall be present at all meetings upon request by the board.

3. *Appeals to the appeals board.*

- A. A demand for a zoning appeal is received by the zoning administrator. Appeals can be filed by:
 - (1) A person aggrieved; or
 - (2) An officer, department, board, or bureau of the state or local unit of government.
- B. The appeals board shall have the authority to hear appeals concerning:
 - (1) All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 - (2) All administrative orders, requirements, decisions or determinations made by an administrative official or body charged with enforcement of the zoning ordinance.
 - (3) All decisions of the zoning administrator.
 - (4) All decisions concerning site plan review.
- C. A fee as established by the legislative body shall be paid to the zoning administrator at the time of filing application with the board. The purpose of such fee is to cover in part the necessary advertisements, investigations and other expenses incurred by the board in connection with the appeal.
- D. Upon receipt of a demand for appeal, the zoning administrator will review the demand for appeal to insure it is complete and the fee is paid.
 - (1) If the application is not complete, the zoning administrator will return the application to the applicant with a letter that specifies the additional material required.
 - (2) If the application is complete, the zoning administrator shall establish a date to hold a hearing on the appeal.
- E. The appeal stays all proceedings in furtherance of the action appealed, unless 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 of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- F. The notices shall be given in accordance with section 2305 of this Ordinance.
- G. The appeals board shall hold a hearing on the demand for appeal.
 - (1) Representation at hearing. Upon the hearing, any party or parties may appear in person or by agent or by attorney.
 - (2) Standards for variance decisions by the appeals board. The appeals board shall base its decision on variances from the strict requirements of this Ordinance so that the spirit of the ordinance is observed, public safety secured, and substantial justice done based on the following standards:

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- a. For dimensional variances. A dimensional variance may be granted by the zoning board of appeals only in cases where the applicant demonstrates in the official record of the public hearing that a practical difficulty exists by showing all of the following:
 - (i) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
 - (ii) That the need for the requested variance is not the result of actions of the property owners or previous property owners (self-created).
 - (iii) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 - (iv) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 - (v) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
 - H. If the demand for appeal is for a variance the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a dimensional variance and rule on an interpretation of the ordinance. The decision shall be in writing and reflect the reasons for the decision.
 - (1) At a minimum, the record of the decision shall include:
 - a. Formal determination of the facts;
 - b. The conclusions derived from the facts (reasons for the decision);
 - c. The decision.
 - (2) After the zoning board of appeals approves the minutes of its decision or otherwise certifies its decision in writing, it shall be copied and delivered by first class mail to the person demanding the appeal, the administrator, and other parties.
 - I. Any person having an interest affected by such decision shall have a right to appeal to circuit court within 30 days of the certified decision of the appeals board, as provided by law.

(Ord. No. 693, 11-27-2006)

Cross reference(s)—Boards and commissions, § 2-291 et seq.

State law reference(s)—Board of appeals, MCL 125.288 et seq.

Sec. 2305. Public notice.

1. *Public notification.* All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this section with regard to public notification.

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- A. *Responsibility.* When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Saginaw Charter Township and mailed or delivered as provided in this section.
- B. *Content.* All mail, personal and newspaper notices for public hearings shall:
- (1) Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - (2) Location. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject 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 such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - (3) When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 - (4) Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - (5) Handicap access. Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. *Personal and mailed notice.*
1. *General.* When the provision of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving 11 or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Saginaw Charter Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not 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 individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The applicant shall provide the zoning administrator with a list of such persons along with the application.

All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to sections X.Y.2 [subsection 2305.2], registration to receive notice by mail.

- c. Other governmental units or infrastructure agencies within one mile of the property involved in the application.
- (2) *Notice by mail/affidavit.* Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The zoning administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.
- D. *Timing of notice.* Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
 - (1) For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: Not less than 15 days before the date the application will be considered for approval (THIS MEANS IT MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AND FOR THOSE RECEIVING PERSONAL NOTICE, RECEIVED BY MAIL OR PERSONAL NOTICE, NOT LESS THAN 15 DAYS BEFORE THE HEARING).
- 2. *Registration to receive notice by mail.*
 - A. *General.* Any neighborhood organization, public utility company, railroad or any other person may register with the zoning administrator to receive written notice of all applications for development approval pursuant to subsection 2305.1.C.(1)c., personal and mailed notice, or written notice of all applications for development approval within the zoning district in which they are located. The zoning administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 - B. *Requirements.* The requesting party must provide the zoning administrator information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this section.

(Ord. No. 693, 11-27-2006)

[CHAPTER 24. ACCESS CONTROL]

Sec. 2401. Arterial street access driveway regulations.

1. *Intent and purpose.* This article is intended to recognize the unique and disparate functions of major and minor arterials which include long-distance traffic movement as well as land access to individual traffic generators. It is the purpose of this article to serve the public interest by minimizing operational difficulties caused by these generally incompatible traffic functions.

The regulations of this article strive to promote the efficient use of public thoroughfares, protect the public investment in long-distance traffic-carrying facilities, diminish hazardous traffic conditions, minimize accidents and property damage, and avoid future degradation of arterial street traffic capacity. Simultaneously, the regulations strive to protect the right of abutting land owners to reasonable access.

These regulations are in effect in all communities that abut the Tittabawassee Road Corridor, as defined in section 2. The presence of this language in each municipality's zoning ordinance is intended to promote the consistent and continued intent and purpose of this Ordinance.

2. *Applicability.* The regulations set forth in this article will apply to the Tittabawassee Road Corridor from M-47 (Midland Road) to the Saginaw River and as designated on the official municipal zoning map. These regulations shall apply as an overlay district to the General Ordinance, as shown on the official Saginaw Charter Township Zoning Map.

These regulations will only apply when the average daily bi-directional traffic volumes on Tittabawassee Road, for one-half mile east or west of the proposed access point, exceed 13,000 vehicles. In addition, these regulations will apply if traffic development is expected to cause the average daily bi-directional traffic volume to exceed 13,000 vehicles for one-half mile east or west of the proposed access point.

As an overlay zone, these regulations will apply in addition to those regulations presently in force. Where there are actual or implied conflicts between regulations in the overlay zone and the base zoning district, the Tittabawassee Road Corridor Overlay Zone regulations shall apply. Construction or any alteration of a direct access driveway, except resurfacing, along any public street, road or highway within the overlay zone shall require issuance of an access permit from the planning commission and the Saginaw County Road Commission.

The Saginaw County Road Commission will count and determine the average daily traffic count on Tittabawassee Road for purposes of this Ordinance.

3. *Description of access control overlay zone.* The overlay zone in Saginaw Township will be along the frontage of Tittabawassee Road from I-675 to M-47 (Midland Road) for a depth of 600 feet as measured from the proposed right-of-way line for Tittabawassee Road. Intersecting road frontages will also be included in the overlay zone for a distance of 600 feet. The overlay zone is shown on the Saginaw Charter Township Zoning Map.
4. *Performance standards.* It shall be unlawful to construct or utilize any direct access driveway which does not meet the following criteria:
- a) Any driveway design utilized must allow an entering vehicle turning speed of 15 miles per hour to help reduce interference with through street traffic.
 - b) Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a traffic survey method approved by the planning commission.
 - c) There must be sufficient on-site storage to accommodate at least five queued vehicles waiting to park or exit without utilizing any portion of the paved street or in any other way interfering with street traffic.
 - d) Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, service drives, or other methods determined at the time of site plan review.
 - e) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles, without inhibiting other vehicles either on the road or those entering or exiting the site.
 - f) Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
 - g) Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance from the stop bar, according to the following schedule:

Road Design Speed (mph)	Site Distance (Feet)
30	220
35	225
40	275

45	325
50	350

- h) Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. In addition, an exiting vehicle turning right must be able to enter traffic utilizing only the first through traffic lane available without encroachment into the adjacent through lane.
5. *Permit application.* All applications for driveway approach permits shall be made on a form prescribed by and available at Saginaw Township and the Saginaw County Road Commission.
- a) Permit applications shall be accompanied by clear, scaled drawings (minimum of 1" = 20) in triplicate showing the following items:
- i) Location and size of all structures proposed on the site.
 - ii) Size and arrangement of parking stalls on aisles.
 - iii) Proposed plan of routing motor vehicles entering and leaving the site.
 - iv) Property lines.
 - v) Right-of-way lines (existing and proposed, if different)
 - vi) Intersecting roads, streets, and driveways within 300 feet either side of the property on both sides of the corridor.
 - vii) Width of right-of-way.
 - viii) Width of road surface.
 - xi)[ix)] Type of surface and dimensions of driveways.
 - x) Proposed turning radii.
 - xi) Proposed treatment of right-of-way adjacent to driveway(s) and between the right-of-way line and property line. Show all proposed landscaping, signs, aboveground utilities, etc.
 - xii) Traffic analysis and trip generation survey results and methodology obtained from a licensed engineer if determined necessary by the planning director.
 - xiii) Design dimensions and justification for any alternative or innovative access design.
 - xiv) Dumpster location.
 - xv) Adjacent parcel information, such as, but not limited to, parking lots, buildings, structures, mutual drives, etc.
6. *Permit review process.*
- a) Application for an access permit may be obtained from Saginaw Township.
 - b) The completed application must be received by the Saginaw Township Zoning Administrator at least 14 days prior to the planning commission meeting where the permit will be reviewed.
 - c) The applicant, the Saginaw County Road Commission and the zoning administrator may meet prior to the planning commission meeting to review the application and proposed access design.
 - d) The planning commission shall review and recommend approval, or denial, or request additional information prior to forwarding the access application to the Saginaw County Road Commission for their review.

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- e) The Saginaw County Road Commission shall review the access permit application and conclusions of the planning commission. One of three actions may result:
 - i) If the planning commission and the road commission approve the application as submitted, the access permit shall be granted.
 - ii) If both the planning commission and the road commission deny the application, the permit shall not be granted.
 - iii) If either the planning commission or road commission requests additional information, approve with conditions, or do not concur in approval or denial, there shall be a joint meeting of the administrative staff of the Saginaw County Road Commission, Saginaw Township Planning Commission and the applicant. The purpose of this meeting will be to review the application to obtain concurrence between the planning commission and the road commission regarding approval or denial.

No application will be considered approved, nor will any permit be considered valid unless both above-mentioned agencies have indicated approval.

- f) The zoning administrator shall keep a record of each application for an access permit which has been submitted, including the disposition of each one. This record shall be a public record.
- g) An access permit remains valid for a period of one year from the date it was issued. If the permit holder fails to begin earnest construction authorized by the access permit by the end of one year, the permit is automatically null and void. Any additional rights which have been granted by the planning commission or the zoning board of appeals, such as special use permits or variances, expire together with the access permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to Saginaw Township or the road commission. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.
- h) The permit may be extended for a period not to exceed one year. The extension must be required in writing by the permit holder before the expiration of the initial permit period. Administrative staff of Saginaw Township may approve a permit extension, provided there are no existing or planned deviations from the original access permit site or other sites within 300 feet, and there are no violations of applicable ordinances. If there is any deviation or cause for question, the administrative staff of the municipality shall consult a representative of the Saginaw County Road Commission for input.
- i) Reissuance of an access permit which has expired requires a new access application form to be filled out and processed independently of previous action.
- j) The permittee shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the paved edge of the traveled roadway.
- k) Where a permit has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in this section.
- l) Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
- m) When a building permit is sought for the reconstruction or remodeling of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the

existing as well as proposed driveway approaches and parking facilities shall comply or be made to comply with all design standards as set forth in this Ordinance prior to the issuance of a zoning or occupancy certificate.

- n) Saginaw Township and the Saginaw County Road Commission acting jointly may require a performance bond or cash deposit in any sum not to exceed \$5,000.00 for each such approach or entrance to insure compliance with all of the terms of the permit. Such bond shall terminate and the deposit be returned to the permittee when the terms of the permit have been met or when the permit is canceled or terminated.

- 7. *Driveway spacing.* Driveway spacing will be determined as a function of arterial road operating speeds. Spacing will be determined according to the following schedule:

Driveway Spacing*
Table 1

Posted Road Speed (mph)	Minimum Spacing (feet)
25	105
30	125
35	150
40	185
45	230
50	275

*(Standards are derived from the American Association of State Highway Transportation Officials, Geometric Design of Highways and Streets, Table of Stopping Sight Distance.)

These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe stopping distances and traffic operation. Spacing will be measured from the midpoint of each driveway. In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain adequate spacing, the landowner(s) have the following options:

- a) The adjacent landowners may agree to establish a common driveway in compliance with the regulations stated herein. The driveway must meet standard specifications, and the estimated driveway volume will be the sum of the trip generation rate of all land uses in question. A joint easement agreement among all properties involved must be entered into prior to an access permit being granted.
- b) If a common driveway cannot be established, for reasons beyond the property owners' (both the proponent and adjacent landowner's) control, the proponent can seek a variance from the zoning board of appeals from minimum spacing, but in no case should the variance be greater than the next lowest classification on Table 4. For example, on a 40 mile per hour arterial requiring a 185-foot spacing, the distance may be reduced to no less than 150 feet, which is the standard for a 35 mile per hour facility.

- 8. *Number of driveways per parcel.*

- a) A maximum of one driveway opening may be permitted to a particular site from Tittabawassee Road and one abutting street. Wherever feasible, access must be obtained from an abutting street.
- b) When, in the opinion of the Saginaw Township or the road authority's traffic engineer, and in the views of the permittee, it is in the interest of good traffic operation, the board may permit one additional

driveway entrance along a continuous site frontage in excess of 300 feet or two additional driveway entrances along a continuous site frontage in excess of 600 feet.

- c) Where a dual service driveway, as depicted in Figure 5, is used, it will be considered, for purposes of this section, to be only one direct access driveway.
- d) In the case of dual one-way driveways, one pair may be used per 250 feet of frontage. Only one pair of one-way drives may be used per street frontage.

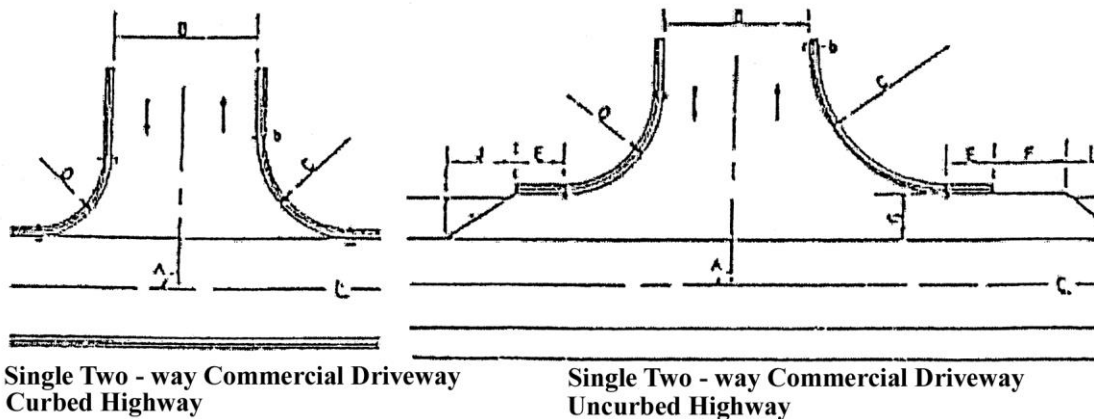
9. *Design criteria.* The design features described and illustrated in this section shall be used by the applicant in dimensioning a proposed driveway or driveway system or plans accompanying the driveway permit application. Figure 1 depicts the standard minimum driveway design. Every driveway constructed along and within a public right-of-way must at least meet the listed design criteria.

- a) *[Driveway traffic volumes in excess of 750/vehicles per day.]* If projected driveway traffic volumes exceed 750/vehicles per day for all traffic using the driveway, a departure from the standard design may be required. Saginaw Township, in conjunction with the Saginaw County Road Commission, may specify a driveway system which will accommodate vehicle movements normally expected without creating undue congestion or hazard on the road.

The applicant may also request a particular alternative design as part of the site plan accompanying the driveway application permit.

- i) The following figures (1 through 8) and tables (2 through 5) depict driveway standards and reasonable working ranges for each standard.

This standard shall be used unless the zoning administrator, in consultation with the Saginaw County Road Commission, determines that another dimension within the range is more suitable for a particular site or special condition and is approved by the appropriate road authority and municipality.

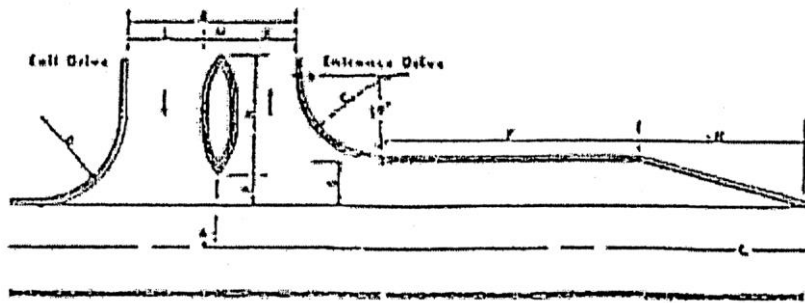


Standard two-way driveways permitted by right

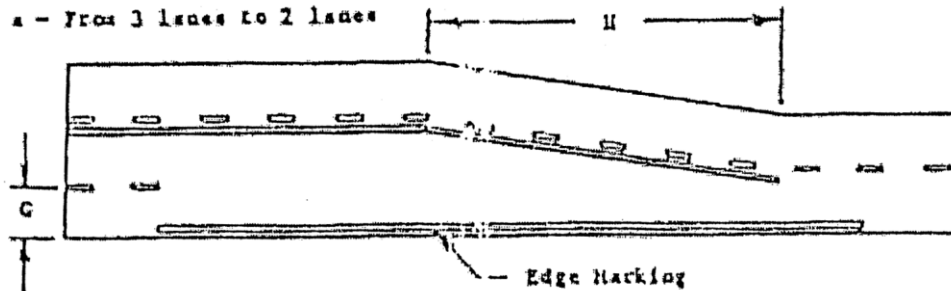
- b) *[Right-turn lanes and tapers.]* Right-turn lanes and tapers will be required when:
 - i) Expected right-turn ingress movements meet or exceed 50/hour during a typical weekday peak traffic period.
 - ii) When driveway volumes are expected to meet or exceed 1,000 vehicles per day.

- iii) When the Saginaw County Road Commission or Saginaw Township Engineer can document, through traffic analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the public thoroughfare.
- c) *[Center left-turn lanes with tapers.]* Center left-turn lanes in conjunction with tapers will be required when:
 - i) Existing traffic volume or traffic generated by any new development or change to an existing development causes any bi-directional hourly volume to exceed 825 vehicles for one-half mile east or west of the proposed access point. The required storage length for left-turn lanes shall be according to the Federal Highway Administration's standards for left turn storage lanes, available in the Saginaw County Planning Office.

A right-turn lane shall be preceded by a taper. The design feature dimensions of a right-turn lane and taper shall conform to those given in Figure 2 and Table 2.



Right-turn lane and tapers



Right-turn lane and tapers

Table 3
Right-Turn Lane and Tapers
Standards For Design

Design Features		Curbed Road		Uncurbed Road	
		Standard	Range	Standard	Range
Curb Ending	B	Not Applicable		10 ft.	No range
Right-Turn Lane Length	F	Length of lane = width of lane × speed			

Right-Turn Lane Width	G	12 ft.	10—15 ft.	12 ft.	10—15 ft.
Entering Tapers	H	150 ft.*	50—150 ft.	150 ft.	50—150 ft.
Exiting Tapers	H	150 ft.*	50—150 ft.	150 ft.	50—150 ft.
Exiting Radius	D	Not Applicable		50 ft.	50—150 ft.

* If a right-turn lane is used, the entering or existing taper standard shall be 50 feet. Without a right-turn lane, the entering or existing taper standard shall be 150 feet.

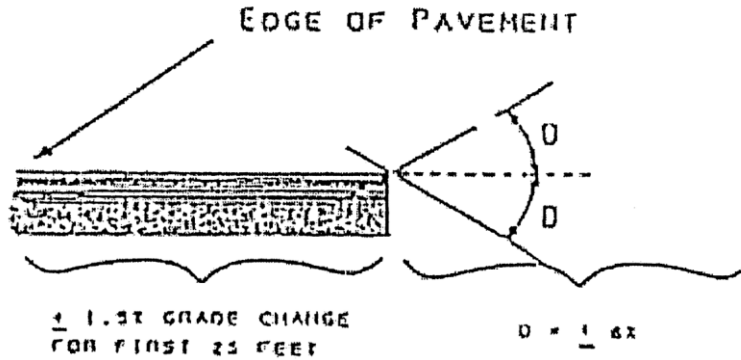
This standard shall be used unless the zoning administrator in consultation with the traffic engineer determines that another dimension within the range is suitable for a particular site or special condition.

d) *Driveway profile.* Driveway profiles shall be determined using the following criteria:

- i) The grade of a two-way, one-way or divided commercial driveway shall not exceed 1.5 percent for a minimum distance of 25 feet from the edge of the pavement. Beyond this distance the grade shall not exceed five percent.
- ii) If the road is curbed and if the sidewalk is ten feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation. If that grade would exceed the maximums specified in paragraph 1) above, the sidewalk shall be either tilted or inclined.
- iii) If the road is uncurbed, the grade of the driveway between the road edge of pavement and the edge of the shoulder shall conform to the slope of the shoulder to the edge of the driveway approach. From that point the dimensions specified in section 2) will apply.
- iv) For a driveway on an upgrade towards the road, a grade of 1.5 percent for a distance of 100 feet from the edge of the pavement is required. Beyond this distance, the grade shall not exceed four percent and the difference in grades where there is a change of grade shall not exceed three percent.
- v) Vertical curves with a minimum length of 15 feet shall be provided at a change of grade of four percent or more.
- vi) If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be inclined at a rate not to exceed one foot vertical for every 24 feet horizontal.

e) *Drainage.*

- i) A driveway shall be constructed so that it does not adversely affect the road drainage. The drainage and the stability of the road subgrade shall not be altered by driveway construction or roadside development.
- ii) Drainage from adjacent parking or storage areas on private property in excess of existing drainage shall not be discharged into the road drainage system.



Standard profile design

- f) *Surfacing and curbing along curbed roads.* A driveway shall be paved and curbed from the paved road edge to the proposed right-of-way line (section 303(2), as determined by the engineer.
- g) *Surfacing and curbing along uncurbed roads.* A driveway shall be paved and curbed from the paved road surface to the proposed right-of-way line (section 303(2)) or to the point of curvature between the driveway edge and the larger radius, point (b) in Figure 2. The curb ending adjacent to the driveway shall be located at least 13.5 feet from the parallel to the edge of the pavement.
- h) *Surface materials and thickness.* The surface of a paved driveway, excluding right-turn lanes, shall be concrete, bituminous or equivalent surfacing material. The thickness of the surface and the base to be used shall be sufficient to provide the bearing capacity needed to carry the proposed traffic loads. A 2½-inch, 250 pound per square yard bituminous mix on eight inches of compacted gravel, eight inches of nonreinforced concrete or equivalent surfacing material which meets current MDOT Standard Specifications for construction is acceptable for normal driveway traffic loads over stable soil. These specifications are minimum requirements and apply to the driveway only.
- i) *Surfacing of right-turn lanes and tapers.*
 - i) The pavement of a right-turn lane and accompanying tapers shall match the road pavement, unless the road commission and Saginaw Township both permit the use of an equivalent pavement.
 - ii) The cross slope of a right-turn lane and tapers shall be:
 - a) A continuation of the cross slope of the roadway if the road is curbed.
 - b) Equal to the shoulder slope if the road is uncurbed.
- j) *Shoulders.*
 - i) The surface of the shoulder adjacent to a right-turn lane and tapers shall be of the same material as the shoulder and conform to the material as the shoulder and conform to the current Michigan Department of Transportation Standard Specifications for Roadway Construction.
 - ii) If the distance between two paved commercial driveways serving the same property is less than 100 feet, measured between adjacent ends of the nearest curbed radii, the applicant shall pave the shoulder between the driveways.
- k) *Driveway curb detail.* The driveway curb shall either match the existing curb or shall conform to the current standards for curb and gutter as determined by the township and road commission.

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10. *Corner clearance.* Intersecting streets and direct access driveways shall be spaced according to the same regulations for distances between direct access driveways, as listed in section 3, with the exception of the following: direct access driveways must be at least 400 feet from the intersections of M-84 (Bay Road), North Center Road, and Mackinaw Road.
 11. *Consistency with comprehensive plan.* In some cases, on a particularly congested arterial, the Saginaw Township Planning Commission may call for specific innovative treatment of access control. Examples may include service drives, continuous right-turn lanes, access off and collector streets, commercial parks, and combined, coordinated parking/access systems. In such cases, any innovative design meeting the spirit and intent of these regulations, and performance standards, may be considered through site plan review.
 12. *Temporary driveway permits.* Temporary driveway permits are intended to allow existing driveways and new driveways, necessary to access sites remote from adjacent access, to remain in use until such time as the conditions specified on the permit are met.
 - a) A temporary permit may be granted for:
 - i) Existing driveways that access existing development or are necessary to service farm fields and are only used for that purpose. Existing driveways are legal nonconforming driveways and may exist without a temporary permit under the conditions specified in subsection 13, nonconforming driveways.
 - ii) New driveways necessary to access new development where the new development is remote from adjacent drives that shared access is not feasible at the time of development.
 - b) Conditions upon which the temporary permit will expire may include:
 - i) Adjacent development within 15 feet of the site where the temporary driveway is located is planned. At this time, joint access provisions with the adjacent property owner must take place.
 - ii) The use of the site for which the temporary permit was granted has ceased for six months or more or the use of the site or the driveway has changed such that the use of the driveway is increased to any degree.
 13. *Nonconforming driveways.*
 - a) Driveways that do not conform to the regulations in this Ordinance and were constructed before the adoption of this Ordinance shall be considered legal nonconforming driveways.

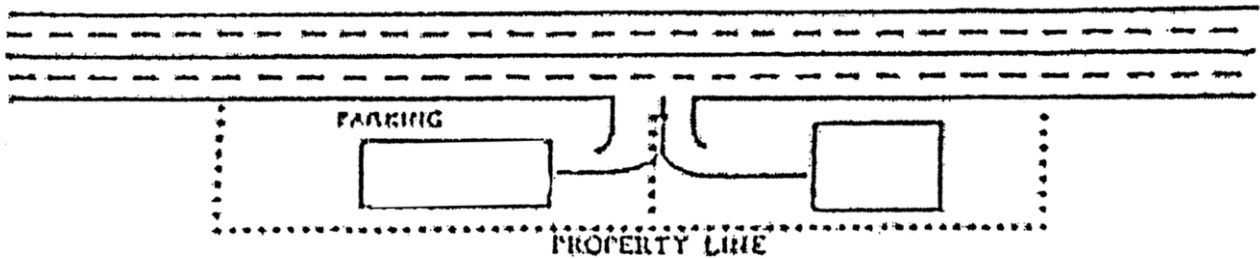
Existing driveways granted a temporary permit are legal nonconforming driveways until such time as the temporary permit expires.
 - b) Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, for a period of six months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Ordinance.
 - c) Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in such a way that it impacts the use of the driveway. At that time, the driveway must be made to conform with all aspects of this Ordinance.
 - d) Driveways that do not conform to the regulations in this Ordinance and have been constructed after adoption of this Ordinance shall be considered illegal nonconforming driveways.
 - e) Illegal nonconformities must be cited as violations of this Ordinance, made to cease use of the driveway, and correct any nonconforming aspects of the driveway. Driveways constructed in illegal locations must be closed and all evidence of the driveway removed from the right-of-way and site on which it is located.

- f) Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways.
14. *Variations for driveway designs.* The applicant may apply for a variance from the standard driveway designs, under the following conditions:
- a) When driveway volumes are expected to meet or exceed 1,000 vehicles per day.
 - b) When expected turning ingress or egress movements meet or exceed 50 per hour during a typical weekday peak traffic period as determined by a traffic study or generally accepted trip generation table, approved by the planning commission, such as the Institute of Transportation Engineers Trip General Manual.
 - c) When in the judgment of the Saginaw County Road Commission or municipal traffic engineer, specific site conditions require alternative design treatments to provide for safe and efficient driveway operation.
 - d) When a joint or coordinated access-parking system is being used. When two adjacent property owners agree to combine access points, the municipality may grant an incentive bonus. The total road frontage normally required will each be reduced by ten percent for both landowners. (Site circulation and safety standards will still be enforced.)
 - e) When a permittee seeks a variance for an innovative method for access design or operations.

Variations should be granted only where practical difficulties require an innovative access design or dimensional change that is consistent with the intent of this Ordinance. Variations may not be granted for financial hardship or in any instance where the intent of this Ordinance can be met by abiding by the standards in this document.

The Saginaw Township Board of Appeals and one representative of the Saginaw County Road Commission shall hear and decide all requests for a variance, interpretation or administrative review of access control regulations.

15. *Sample driveway design allowed by variance.*



SHARED ACCESS ON PROPERTY LINE

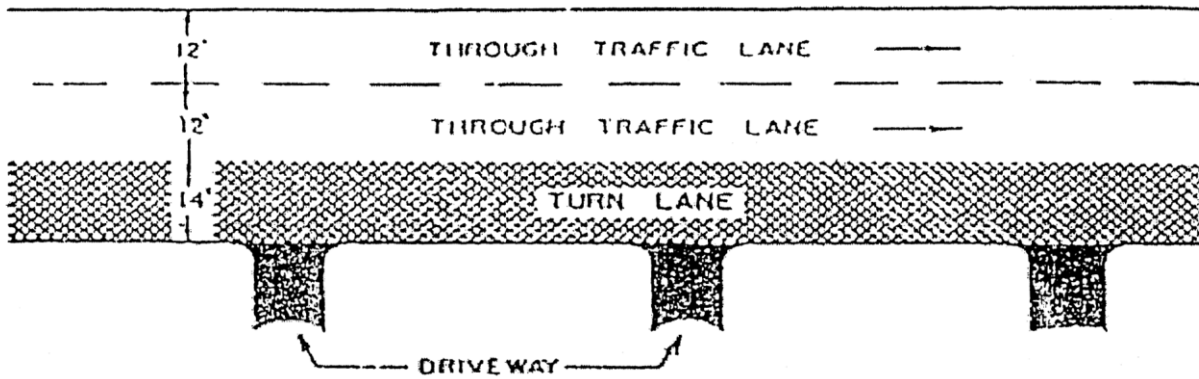
Figure 5 Dual Service Drive

Table 4
Design Standards
Dual Service Drive

Design Features	Curbed		Uncurbed	
	Standard	Range	Standard	Range

Intersecting Angle	AR	60°	45°—90°	60°	45°—90°
Entering Radius	CR	20'	15'—35'	25'	15'—35'
Exiting Radius	DR	10'	5'—25'	5'	5'—25'
Intersecting Angle	AL	120°	90°—135°	120°	90°—135°
Entering Radius	CL	10'	5'—25'	5'	5'—15'
Exiting Radius	DL	15'	5'—50'	20'	5'—50'
Driveway Width	B	24'	20'—36'	24'	12'—50' 30'—36'
Distance Between Driveways	S	20'	10'—150'	20'	10'—150'

The standard shall be used unless the zoning administrator in consultation with the Saginaw County Road Commission and Saginaw Township Planning Commission determines that another dimension within the range is more suitable for a particular site or special condition.



Continuous right lane

Single two-way commercial driveway on curbed road.

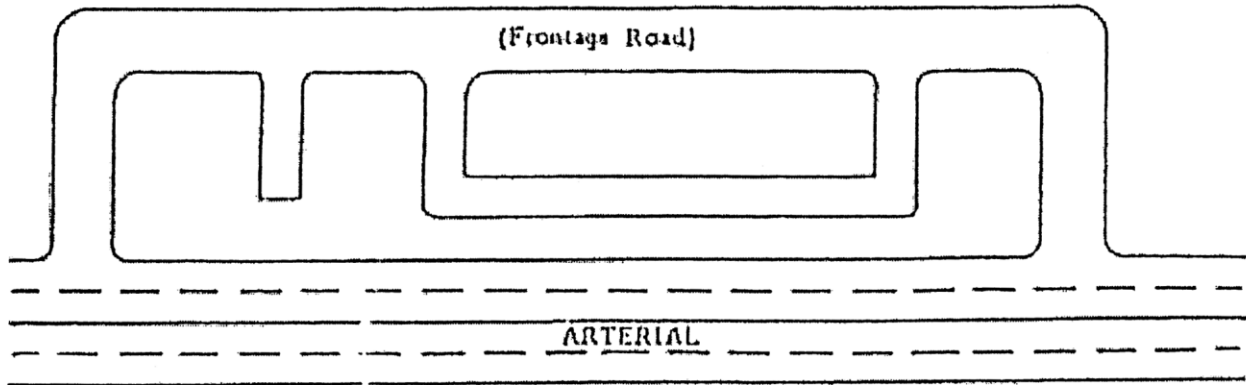
Single two-way commercial driveway on uncurbed road.

Divided commercial driveway.

Exit drive.

Entrance Drive.

Dual service driveways.



INDUSTRIAL PARK WITH FRONTAGE ROAD

Sample coordinated access parking system

Figure 7

Sample Service Drives
Design Standards Based Upon
Site Plan Review

[Not published—on file in the township offices]

Cross reference(s)—Streets, sidewalks and other public places, ch. 58.

[CHAPTER 25. ACCESS MANAGEMENT AND OVERLAY]

Sec. 2501. M-84 and M-58 access management and overlay.

1. *Purpose, intent and application.* The provisions of this Ordinance are intended to:
 - a) Promote safe and efficient travel within the M-84 overlay district.
 - b) Minimize disruptive and potentially hazardous traffic conflicts.
 - c) Ensure safe access by emergency vehicles.
 - d) Protect the substantial public investment in the road system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow.
 - e) Separate traffic conflict areas by reducing the number of driveways.
 - f) Provide safe spacing standards between driveways and between driveways and intersections.
 - g) Provide for shared access between abutting properties.
 - h) Implement the M-84 and M-58 corridor access management plans and map recommendations.
 - i) Ensure reasonable access to properties, though not always by the most direct access.
 - j) Coordinate access decisions with the Michigan Department of Transportation and/or the Bay and Saginaw County Road Commission, as applicable.
2. *Description of applicability.* The provisions of this Ordinance apply to an area described as 660 feet east and west of the center line of M-84 between Weiss Street and 660 feet north and south of the center line of M-

58 between M-47 and Passolt Road, in Saginaw Township, Saginaw County and M-13/Euclid Avenue in Monitor Township, Bay County. Single-family residential driveways are exempt from this Ordinance.

In instances where this Ordinance conflicts with the Tittabawassee Road Corridor Overlay Ordinance, the Tittabawassee Overlay Ordinance and any subsequent amendments shall take precedence.

Any development within the area described in this section that also requires a site plan review at the municipal level will be required to comply with the provisions of this Ordinance. In instances where the site plan review procedure or site plan review standards conflict with the local procedures or standards, this Ordinance shall prevail. Aspects of the site plan that are not addressed in this Ordinance shall be governed by the municipality's Ordinance where applicable.

3. *M-84 access management plan map and M-58 access management plan map.* The M-84 and M-58 access management plan maps identify six and seven types of modifications, respectively, that will further the intent of this Ordinance. These modifications are listed both by number and color. Application of the regulations in this Ordinance are intended to achieve the mapped modifications at such time that a site is developed for the first time, redeveloped to the extent that a site plan is required, the owner chooses to make the modifications indicated, or the township causes the modification to take place to achieve necessary safety improvements. Driveways shown on the map without any modifications planned are permitted to exist as they are constructed and located.

The modifications listed are:

M-84	M-58
a) Entrance closed	a) Close drive
b) New entrance	b) Modify drive
c) Modify	c) New drive
d) Move entrance	d) Combine existing drives with new drive
e) Add curb/define entry	e) Add curb and develop new cross access
f) Future non-motorized facility	f) Cross drive when rear access is placed
g) Restrict access according to ordinance.	

4. *Permanent access for undeveloped parcels or existing developments.*

- a) Each parcel or lot having a single property tax number, as of the effective date of this Ordinance (hereafter referred to as "the parent parcel"), that shares a lot line for less than 450 feet with right-of-way within the corridor as defined in this plan, shall be entitled to one driveway or road access per parcel onto M-84 or M-58. Where a parcel is divided by M-84 or M-58, the portion of the parcel on each side of M-84 or M-58 shall be entitled to access according to the Ordinance.
 - i) All subsequent land divisions of a parent parcel shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this Ordinance.
 - ii) Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by another public road, an approved private road if the township permits, or by a service drive meeting the requirements of section 6 service drives, of this Ordinance.
 - iii) If the parcel is a corner lot and a second driveway is warranted, the second driveway shall have access from the abutting street.

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- b) All driveways or access points located on parcels greater than 450 feet shall be at least 450 feet from the nearest access point on the same or adjacent parcels. Residential and farm access driveways are exempt from this regulation.
 - c) A second driveway may be permitted if a registered traffic engineer determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is safer or the nature of the land use to be served requires a second driveway for safety. The affected agencies, including the local municipality, MDOT and SCRC or the BCRC, as applicable, must unanimously agree to such deviation.
 - d) For parcels or lots abutting M-58, the provisions of this subsection 2501.4 may be superseded by the M-58 conceptual plan, if the planning commission determines that the conceptual plan's recommendations would better ensure the health, safety, welfare and aesthetics of the M-58 corridor.

5. *Application review, approval and coordination process.*

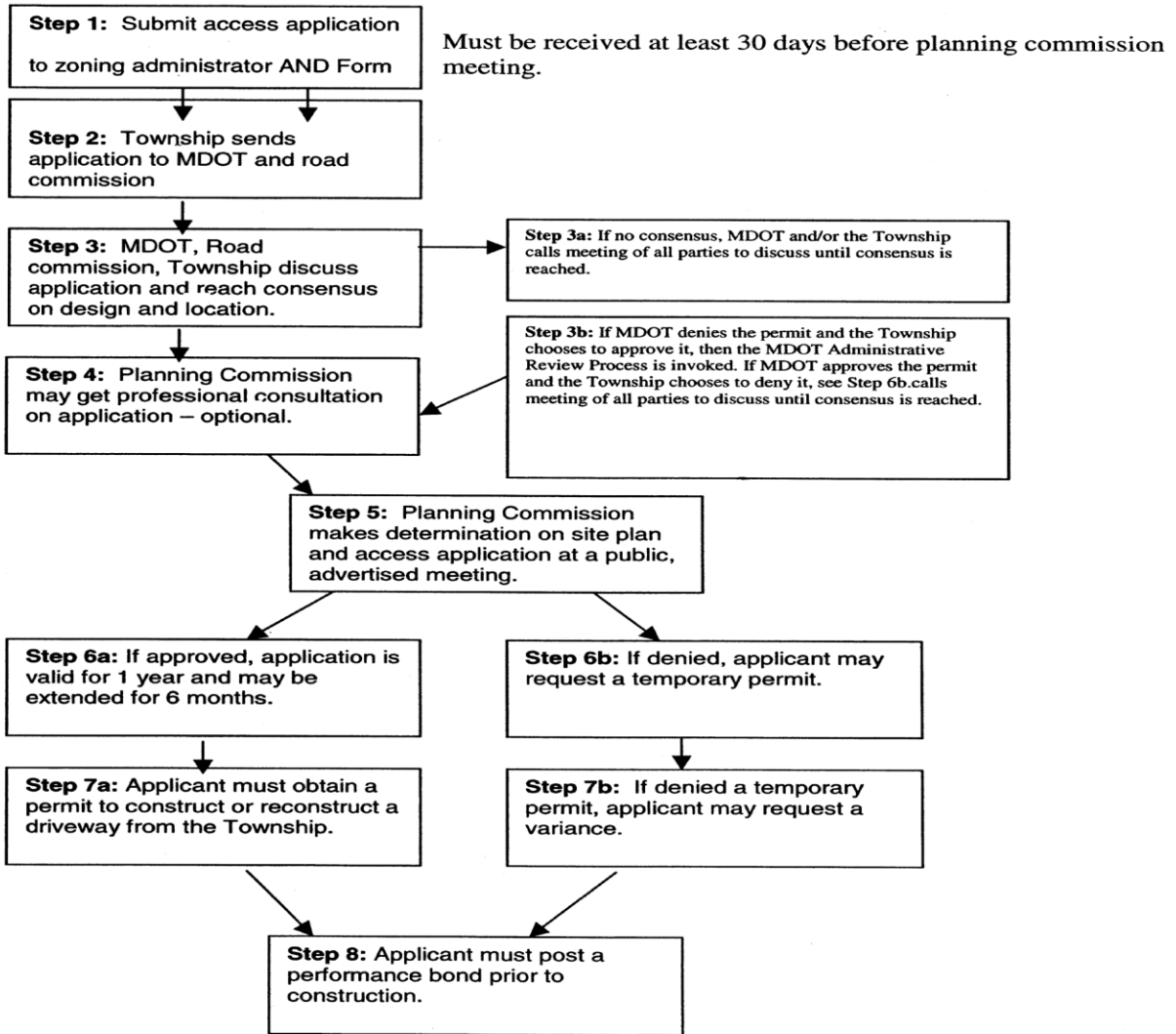
- a) All standards of the Michigan Department of Transportation and the Saginaw County and Bay County Road Commissions, as applicable, shall be met prior to approval of an access application under this Article.
- b) Application, review and approval process applications for driveway or access approval related to M-84 shall be made on a form prescribed by and available at Saginaw Charter Township, Kochville Township, Frankenlust Township, and Monitor Township, the Saginaw County or Bay County Road Commission, and/or the Michigan Department of Transportation - Bay City Transportation Service Center. Application related to M-58 shall be made on a form prescribed by and available at Saginaw Charter Township, Saginaw County Road Commission, and/or the Michigan Department of Transportation - Bay City Transportation Service Center.
- c) Saginaw Charter Township, Kochville Township, Frankenlust Township, and Monitor Township, the Saginaw/Bay County Planning Department, and the Saginaw/Bay County Road Commission and the Michigan Department of Transportation shall meet at least twice each year, at the initiation of the MDOT, to ensure that there is appropriate coordination of the access management review process and outcomes.
 - i) Applications shall be accompanied by clear, scaled drawings (minimum of 1"=20') in triplicate showing the following items:
 - a) Location and size of all structures proposed on the site.
 - b) Size and arrangement of parking stalls on aisles.
 - c) Proposed plan of routing vehicles entering and leaving the site (if passenger vehicles are to be separated from delivery trucks indicate this on the drawing).
 - d) Driveway placement.
 - e) Property lines.
 - f) Intersecting roads, streets and driveways within 300 feet either side of the property on both sides of the street.
 - g) Width of road surface.
 - h) Type of surface and dimensions of driveway.
 - i) Proposed inside and outside turning radii.
 - j) Show all existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.

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- k) Traffic analysis and trip generation survey results, obtained from a licensed traffic engineer for all developments with over 750 vehicle trips per day or one hundred 100 directional peak hour trips.
 - l) Design dimensions and justification for any alternative or innovative access design.
 - m) Dumpsters or other garbage containers.
 - n) Existing and proposed utility box placement.
- ii) Applications are strongly encouraged to include the following sources for access designs, the National Access Management Manual, TRB, 2002 and the AASHTO Green Book. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access that includes:
 - a) Not more than one driveway access per abutting road.
 - b) Shared driveways.
 - c) Service drives: front, rear and perpendicular.
 - d) Parking lot connections with adjacent property(ies).
 - e) Other appropriate designs to limit access points on an arterial or collector road.
 - iii) Applications may be accompanied by an escrow fee for professional site plan and/or traffic analysis review to be determined by the township in which the project is located.
- d) Review and Approval Process. The following process shall be completed to obtain access approval:
 - i) A site plan review access application meeting the requirements of section 5 shall be submitted to the zoning administrator, clerk or other township designee of the township. MDOT form 2205, Driveway Permit, shall be submitted concurrently to the MDOT- Bay City Transportation Service Center.
 - ii) The completed application must be received by the township zoning administrator at least 30 days prior to the planning commission meeting where the application will be reviewed.
 - iii) The township in which the application is being made shall forward a copy of the access management application and the site plan to MDOT and the appropriate county road commission. MDOT and the road commission shall provide written comment to the township and discuss any outstanding issues with the township with the intent of reaching consensus on a recommendation for the access management application and site plan.

In the event that consensus cannot be reached on access management issues, MDOT or the township shall call a meeting of the appropriate road agencies and municipal planning commission representatives prior to the planning commission meeting to review the document and reach consensus on the issue. Applications not forwarded to MDOT and the road commission shall not have completed the review process and may not be acted on by the township planning commission.
 - iv) The planning commission may obtain professional consultation prior to making a decision on the application. Costs for such review shall be the responsibility of the applicant provided the applicant is made aware of the costs prior to the application being considered by the planning commission.
 - v) The township planning commission in which the development is proposed shall review the application and make its determination regarding the driveway.

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- vi) The zoning administrator shall keep a record of each application that has been submitted, including the written disposition of each application. MDOT shall provide the township with a copy of the written permit or any other disposition of the permit for the township's records. This record shall be a public record.
 - vii) Written approval of an application remains valid for a period of one year from the date it was authorized. If authorized construction is not initiated by the end of one year, the authorization is automatically null and void, unless the township specifically extends the time period during which the application remains valid by planning commission action. Any additional approvals that have been granted by the planning commission or the zoning board of appeals, such as a special use permit or variance, also expire at the end of one year.
 - viii) An approval may be extended for a period not to exceed six months. The extension must be requested, in writing, by the applicant before the expiration of the initial approval. The zoning administrator may approve extension of an authorization provided there are no deviations from the original approval present or planned, there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition. If there is any deviation or cause for question, the zoning administrator shall consult a representative of the Saginaw/Bay County Planning Commission staff, the Saginaw and/or Bay County Road Commission as applicable, and the Michigan Department of Transportation for input.
 - ix) Re-issuance of an authorization that has expired requires a new access application form to be filled out and processed independently of any previous action.
 - x) The applicant shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.
 - xi) Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised access application has been submitted and approved as specified in this section.
 - xii) Application to construct or reconstruct any driveway entrance and approach to a site requires a permit, but shall also address and achieve the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
 - xiii) When a building permit is sought for the modification or reconstruction to the extent that a site plan is required in the municipality or by MDOT's requirements (R 247.214. Processing of permits), all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as set forth in this Ordinance and the adopted M-84 or M-58 access management plan and map, as applicable, prior to the issuance of a zoning or occupancy certificate and pursuant to the procedures of this section.
 - xiv) The Michigan Department of Transportation, as applicable, shall require a performance bond or cash deposit in any sum of a minimum of \$10,000.00 for each such new or reconstructed approach or entrance to a commercial use, to ensure compliance with an approved application. Such performance bond shall terminate and the deposit be returned to the applicant when the term of approval have been met or when the authorization is cancelled or terminated. No performance bond is required for residential uses.

Review and Approval Process Flow Chart



Review and Approval Process Flow Chart

6. *Service drives.*

- a) The use of shared access, parking lot connections and service drives in conjunction with driveway spacing, is intended to preserve traffic flow along thoroughfares and minimize traffic conflict, while retaining reasonable access to the property. Where noted above, or where the planning commission determines that restricting new access points or reducing the number of existing access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, then access from a side street, a shared driveway, a parking lot connection, or service drive connection to the arterial or collector street may be required. However, where traffic safety would be improved, and the driveway spacing requirements of this Ordinance can be met, then direct connection to the arterial or collector street may be allowed in addition to a required service drive.

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- i) In particular, shared access, service drives or at least a connection between abutting land uses may be required in the following cases:
 - a) Where the driveway spacing standards of this section within this Ordinance cannot be met.
 - b) Where recommended in the M-84 access management plan and map.
 - c) When the driveway could potentially interfere with traffic operations at an existing or planned traffic signal location.
 - d) The site is along a collector or arterial street with high traffic volume, or along segments experiencing congestion or a relatively high number of crashes.
 - e) The property frontage has limited sight distance.
 - f) The fire or emergency services department recommends a second means of emergency access.
 - ii) In areas where frontage roads or rear service drives are recommended, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road/facility designed according to the standards cited in this Ordinance. The planning commission may approve temporary access points where a continuous service drive is not yet available and a performance bond or escrow is accepted to assure elimination of temporary access when the service road is constructed. (See section 7.)
7. *Standards for construction.* Notwithstanding the requirements of the municipality's land division ordinance, the standards for all service drives shall be as follows:
- a) Site plan review. The planning commission shall review and approve all service drives to ensure safe and adequate continuity of the service drive between contiguous parcels as part of the site plan review process.
 - b) Front and rear service drives. A front or rear service drive may be established on property that abuts only one public road. The design of a service road shall conform with national design guidelines such as those identified in the National Access Management Manual by TRB, the ASSHTO Greenbook, and National Cooperative Highway Research Program (NCHRP), "Access Management Guidelines to Activity Centers" Report 348 and "Impacts of Access Management Techniques" Report 420.
 - c) Location. Service roads shall generally be parallel to the front property line and may be located whether in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the planning commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.
 - d) Width and construction. A service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the county register of deeds. This easement shall be at least 32 feet wide. A service drive shall have a minimum pavement width of 24 feet, measured face to face at the curb with an approach width of a minimum of 27 feet at the intersection. The service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet the Saginaw/Bay County Road Commission standards for base and thickness of asphalt or concrete, unless the community has more restrictive standards.
 - e) Snow storage and landscaping areas. A minimum of six feet of snow storage/landscaping area shall be reserved along both sides of the service drive.
 - f) Stacking. A minimum of 60 feet of storage at the intersection for entering and existing vehicles as measured from the pavement edge must be provided for all frontage roads. At driveways where it can be demonstrated that traffic volumes will exceed 750 vehicles per day or 100 vehicles during the peak hour, a minimum of 80 feet of stacking space shall be required.

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- g) Distance from intersection on service drives. Frontage roads and service drive intersections at the collector or arterial street shall be designed according to the same minimum standards as described for driveways.
 - h) Driveway entrance. The planning commission shall approve the location of all access to the service drive, based on the driveway spacing standards referenced in this Ordinance. Access to the service drive shall be located so that there is no undue interference with the free movement of service drive and emergency vehicle traffic, where there is safe sight distance, and where there is a safe driveway grade as established by the MDOT and Saginaw/Bay County Road Commission.
 - i) Driveway radii. All driveway radii shall be concrete curbs and conform with the requirements of the MDOT Access Management Guidebook.
 - j) Acceleration lanes and tapers. The design of the driveway, acceleration, deceleration or taper shall conform with the requirements of the MDOT Access Management Guidebook.
 - k) Elevation. The elevation of a service drive shall be uniform or gently sloping between adjacent properties.
 - l) Service drive maintenance. No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated and accepted by the applicable road commission) or a private road if permitted, maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the municipality's attorney and recorded with the register of deeds. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the costs.
 - m) Landscaping. Landscaping along the service drive shall conform to the requirements of the municipality's zoning ordinance. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
 - n) Parking areas. All separate parking areas (those that do not use joint parking cross access) shall have no more than one access point or driveway on the service drive.
 - o) Parking. The service road is intended to be used exclusively for circulation, and not as parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The planning commission may require the posting of "no parking" signs along the service road.
 - p) Directional signs and pavement markings. Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current Michigan Manual of Uniform Traffic Control Devices.
 - q) Assumed width of pre-existing service drives. Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be 26 feet for the purpose of establishing setbacks and will be measured an equal distance from the midpoint of the road surface.
 - r) Alternate cross access. In the case of expansion, alteration to redesign of existing development where it can be demonstrated that preexisting conditions prohibit installation of a frontage road or service drive in accordance with these standards, the planning commission shall have the authority to allow

and/or require alternate cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, with islands, curbing and signage to further delineate the edges of the route to be used by through traffic. (See the MDOT Access Management Guidebook for further detail and sample drawings.)

8. Temporary access permits.

- a) A temporary access permit may be conditionally issued to a property included in this adopted corridor or access management plan that plans road improvements and installation of service drives and shared driveways that would eliminate the need for the temporary driveway.
- b) A temporary access permit shall be reviewed using the temporary permit form during the site plan review process. Failure to use this form and supply the justification for a temporary permit according to the provisions of the form prohibit a temporary access point on the site. A copy of this completed form shall be kept on file with the approved site plan at the township and recorded with the deed to the property for which it applies. This form is included as an appendix to this Ordinance.
- c) Conditions may be included in the temporary access permit including but not limited to, a limitation on development intensity on the site until adjoining parcels develop which can provide a shared driveway, shared access via a service drive, and/or cross parking lot connection consistent with the requirements of section 6.
- d) A site plan for property that cannot meet the access requirements of section 6 and has no alternative means of reasonable access to the public road system may be issued a temporary access permit. When adjoining parcels develop which can provide a shared driveway, shared access via a service drive or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with the requirements of section 5 and 6 shall be required.
- e) The municipality and the Michigan Department of Transportation, as applicable, may require a performance bond or cash deposit in any sum of a minimum of \$10,000.00 for each temporarily permitted driveway to insure compliance with removal of the driveway at such time as the permit stipulates. Such performance bond shall terminate and deposit be returned to the applicant when the term of approval have been met or when the authorization is cancelled or terminated.

9. *Nonconforming driveways.*

- a) Driveways that do not conform to the regulations in this Ordinance and were constructed before the effective date of this Ordinance and existing driveways granted a temporary access permit, shall be considered legal nonconforming driveways.
- b) Loss of legal nonconforming status results when a change to the site or use requires a new site plan, according to the township zoning ordinance. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Ordinance.
- c) When the owner of a property with an existing nonconforming driveway or driveways applies for a permit to upgrade the property, the planning commission will determine whether it is necessary and appropriate to retrofit the existing driveway or driveways. If the developer is proposing a change in use of the driveway the nonconforming status is no longer valid and a permit for the driveway is required from the Michigan Department of Transportation or the road commission as applicable according to the standards of this Ordinance.
 - i) The property owner may be required to establish a retrofit plan. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location, and design of driveways into conformance with the standards and

requirements of this Ordinance to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:

- a) Elimination of driveways.
 - b) Realignment or relocation of driveways.
 - c) Provision of shared driveways and/or cross parking lot connection.
 - d) Access by means of a service drive.
 - e) Restriction of vehicle movements (e.g. elimination of left-turns in and out).
 - f) Relocation of parking.
 - g) Traffic demand management (e.g. a reduction in peak hour trips).
 - h) Signalization based on warrants.
 - i) Such other changes as may enhance traffic safety.
- ii) The requirements of the retrofit plan shall be incorporated as conditions to the permit for the change or upgrade of use and the property owner shall be responsible for the retrofit.
- d) Driveways that do not conform to the regulations in this Ordinance and have been constructed after adoption of this Ordinance, shall be considered illegal nonconforming driveways.
- e) Illegal nonconforming driveways are a violation of this Ordinance. The property owner shall have 30 days in which to correct the violation. The property owner shall be issued a violation notice which may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.
- f) Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this Ordinance.

10. *Variances.*

Variance standards: The following standards shall apply when the board of appeals considers a request for a variance from the standards of this Article.

- a) The granting of a variance shall not be considered until a temporary access permit under section 7 has been considered and rejected.
- b) Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this Ordinance impractical. This shall include proof that:
 - i) Indirect or restricted access cannot be obtained; and,
 - ii) No reasonable engineering or construction solution can be applied to mitigate the condition; and,
 - iii) No reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
 - iv) Without the variance, there is no reasonable access to the site.
- c) The board of appeals shall make a finding that the applicant for a variance met their burden of proof under b)ii) above, that a variance is consistent with the intent and purpose of this Ordinance, and is the minimum necessary to provide reasonable access.

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- d) Under no circumstances shall a variance be granted unless not granting the variance would deny reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

(Ord. No. 670, 6-28-2004; Ord. No. 695, 1-22-2007)