

Township of East China, MI  
Tuesday, July 12, 2022

## Chapter 480. Zoning

### Article 1. Introduction

#### § 480-1. Purpose.

An ordinance enacted under Act 184, Public Acts of 1943, as amended,<sup>[1]</sup> governing the unincorporated portions of the Charter Township of East China, St. Clair County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this chapter.

[1] *Editor's Note: See MCLA § 125.271 et seq.*

#### § 480-2. Preamble.

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Charter Township of East China by:

- A. Protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas;
- B. Securing the most appropriate use of land;
- C. Preventing overcrowding of the land and undue congestion of population;
- D. Providing adequate light, air, and reasonable access; and
- E. Facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements; and
- F. Other means, all in accordance with a comprehensive plan; now therefore.

#### § 480-3. Short title.

This chapter shall be known and may be cited as the "Charter Township of East China Zoning Ordinance."

### Article 2. Construction of Language and Definitions

#### § 480-4. Applicable rules of construction.

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

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word "building" includes the word "structure." A building or structure includes any part thereof.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either/or," the conjunction shall be interpreted as follows:
  - (1) And. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - (2) Or. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - (3) Either/or. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Terms not herein defined shall have the meanings customarily assigned to them.

## § 480-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

### **ACCESSORY USE; ACCESSORY**

A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces and loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as "accessory use." An "accessory use" includes, but is not limited to, the following:

- A. Swimming pools for use of the occupants of a residence, or their guests.
- B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- C. Home occupations when carried on by the owner resident of the dwelling and when no physical or visual affects are observed beyond the walls of the residence.
- D. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- E. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- F. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

- G. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- H. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- I. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- J. Boathouses used for the accessory storage of not more than two boats on any lot or parcel.

### **ALLEY**

Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

### **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, the consummated acts of which may be referred to herein as "altered" or "reconstructed."

### **APARTMENTS**

The dwelling units in a multiple dwelling as defined herein:

#### **A. EFFICIENCY APARTMENT**

A dwelling unit containing not over 500 square feet of floor area, and consisting of not more than one room in addition to kitchen, dining, and necessary sanitary facilities.

[Amended 1-7-2013 by Ord. No. 308]

#### **B. ONE-BEDROOM UNIT**

A dwelling unit containing a minimum floor area of at least 500 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining, and necessary sanitary facilities.

#### **C. TWO-BEDROOM UNIT**

A dwelling unit containing a minimum floor area of at least 700 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining, and necessary sanitary facilities.

#### **D. THREE-OR-MORE-BEDROOM UNIT**

A dwelling unit wherein, for each room in addition to the three rooms permitted in a two-bedroom unit, there shall be provided an additional area of 200 square feet to the minimum floor area of 700 square feet. For the purpose of computing density, a three-bedroom unit shall be considered as a four-room unit, and each increase in a bedroom over three shall be an increase in the room count by one over the four.

### **AUTOMOBILE REPAIR, GENERAL**

Includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

### **AUTOMOBILE REPAIR, LIGHT**

Includes repair or replacement of automotive components for maintenance purposes; such as tires, mufflers, glass, etc. This does not include any item described by the definition of "general automotive repair."

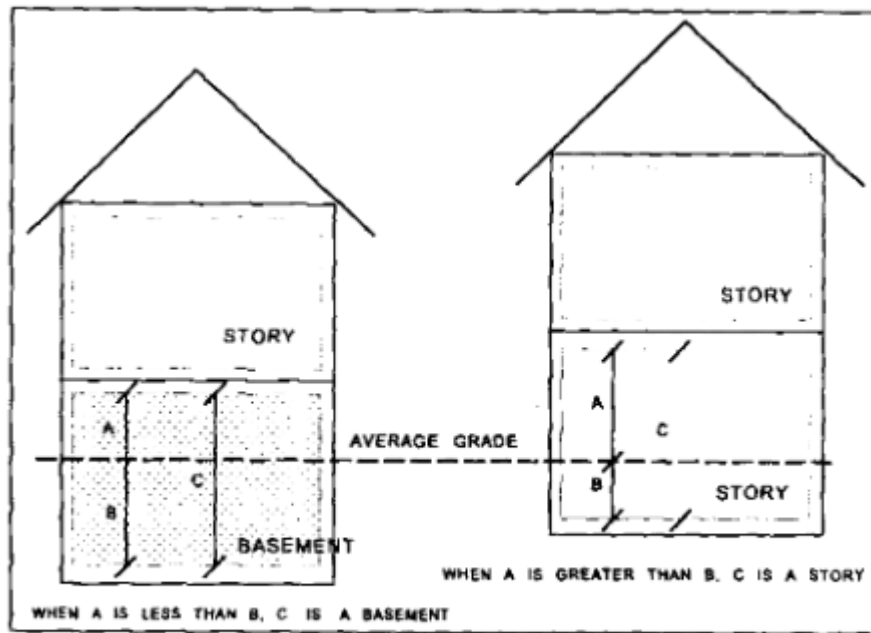
### **AUTOMOBILE SERVICE STATION**

A space, building or structure designed or used for the retail sales or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles.

### **BASEMENT**

That portion of a building between the floor and ceiling, which is partly below and partly above ground level, but so located that the vertical distance from grade to the floor below is greater than

the vertical distance from grade to ceiling. A basement shall not be considered as a story.



**Basement and Story**

### **BED-AND-BREAKFAST**

A secondary use which is subordinate to a one-family dwelling unit in which transient guests are provided sleeping room and board in return for payment.<sup>[1]</sup>

### **BLOCK**

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and other barrier to the continuity of development, or corporate boundary lines of the Township.

### **BOARDINGHOUSE**

A dwelling in which lodging or meals, or both, are furnished to guests for compensation.

### **BOAT DOCK**

An unenclosed area that may or may not have a roof, designed to serve as a mooring place for watercraft.

### **BOAT HOIST**

An unenclosed apparatus for lifting watercraft.

### **BOATHOUSE**

A house or shed for sheltering one or more boats.

### **BUILDING**

Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. This shall include vehicles situated on private property and used for the purpose of a building and tents and awnings used for other than recreational purposes.

[Amended 10-20-2003 by Ord. No. 280]

### **BUILDING ENVELOPE**

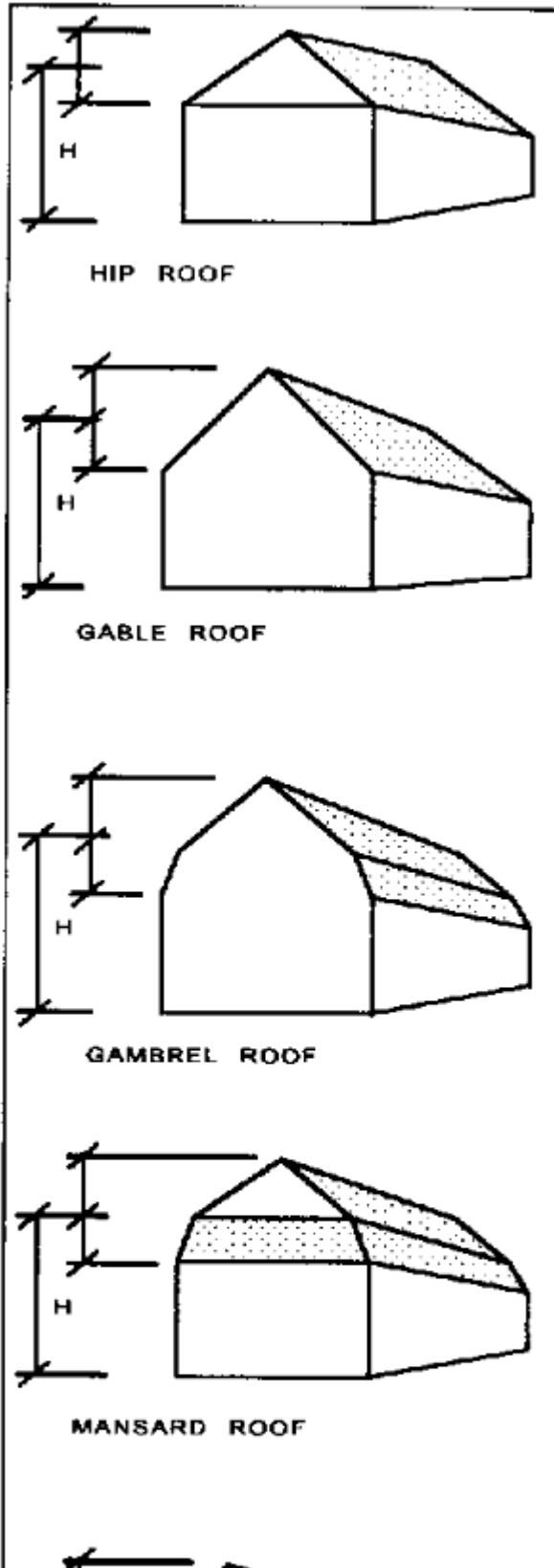
The area defined by lines drawn parallel to the front, rear, and side area lines, at a distance designated by the setback requirements of the zoning district and within which the main building

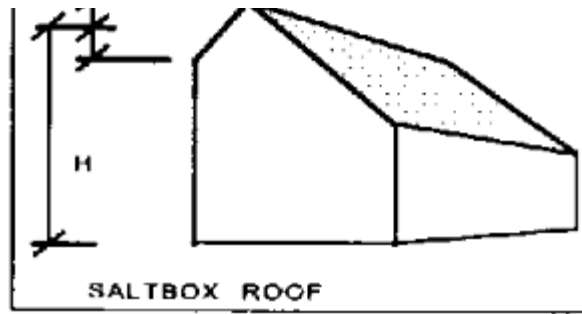
shall be located.

**BUILDING HEIGHT**

The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

[Amended 1-7-2013 by Ord. No. 308]





**Building Height**

### **BUILDING LINE**

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

### **CLINIC**

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

### **CLUB**

An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

### **CONDOMINIUM LOT**

All areas bounded by the front yard area line, the rear yard area line and the side yard area lines.

### **CONVALESCENT OR NURSING HOME**

A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

### **DAY CARE**

#### **A. CHILD DAY-CARE CENTER**

A facility other than a private residence receiving more than six preschool or school-age children for group care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child.

#### **B. FAMILY DAY-CARE HOME**

A private home in which one to six 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 family by blood, marriage or adoption. A family day-care home includes one where care to an unrelated minor child occurs for more than four weeks during a calendar year.

#### **C. GROUP DAY-CARE HOME**

A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day-care home includes one where care to an unrelated minor child occurs for more than four weeks during a calendar year.

### **DEVELOPMENT**

The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.

### **DISTRICT**

A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this chapter.

#### **DRIVE-IN OR DRIVE-THROUGH**

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

#### **DWELLING**

##### **A. ONE-FAMILY DWELLING**

A building designed exclusively for and occupied exclusively by one family.

##### **B. TWO-FAMILY DWELLING**

A building designed exclusively for occupancy by two families living independently of each other.

##### **C. MULTIPLE-FAMILY DWELLING**

A building or portion thereof, designed exclusively for occupancy by three or more families, living independently of each other.

#### **DWELLING UNIT**

A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

##### **A. MANUFACTURED DWELLING UNIT**

A dwelling unit, which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

##### **B. SITE-BUILT DWELLING UNIT**

A dwelling unit, which is substantially built, constructed, assembled, and finished on the premises, which is intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and panelized wall, roof, and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

#### **EAST CHINA CHARTER TOWNSHIP**

Whenever in this chapter reference is made to the "municipality," "East China Township" or the "Township," it shall mean East China Charter Township.

#### **ELDERLY HOUSING**

##### **A. DEPENDENT**

Elderly housing provided in a multiple-family housing form with central dining facilities provided as a basic service to each unit.

##### **B. INDEPENDENT**

Elderly housing provided for in a multiple-family housing form with full facilities for self-sufficiency in each individual unit.

#### **ERECTED**

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

#### **ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhanging electrical, steam fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals,

hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

## **EXCAVATION**

Any breaking of ground, except common household gardening and ground care.

## **FAMILY**

A single individual or group of individuals living together whose relationship is of a continuing, nontransient, domestic character and who are cooking and living together as a single, housekeeping unit. This shall not include any society, club, fraternity, sorority, associate, lodge, coterie, organization, or other group whose relationship is of a profit motivated, transitory, or seasonal nature or for anticipated duration of school terms or other similar determinable periods.

## **FARM**

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquaculture activities, machinery, equipment, and other appurtenances used in farm operations and the commercial production of farm products.

[Amended 6-9-2021 by Ord. No. 320]

## **FARM OPERATION**

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products.

[Amended 6-9-2021 by Ord. No. 320]

## **FARM PRODUCT**

Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, Cervidae, livestock, including breeding and grazing, equine, fish, and other aquaculture products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

[Amended 6-9-2021 by Ord. No. 320]

## **FLOOR AREA**

### **A. GROSS FLOOR AREA**

The sum of the gross horizontal areas of several floors of a building or buildings, measured from the exterior faces of the exterior walls. In particular, floor area includes basement space, elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings; attic floor space (whether or not floors have been laid) providing structural headroom of seven feet six inches. Gross floor area shall not include elevator or stair bulkheads; accessory water tanks or cooling towers; uncovered steps; attic spaces less than seven feet six inches; and open porches, terraces or breezeways, provided that not more than 50% of the perimeter of such terrace, breezeway or open porch is enclosed.

[Amended 10-20-2003 by Ord. No. 280]

### **B. RESIDENTIAL FLOOR AREA**

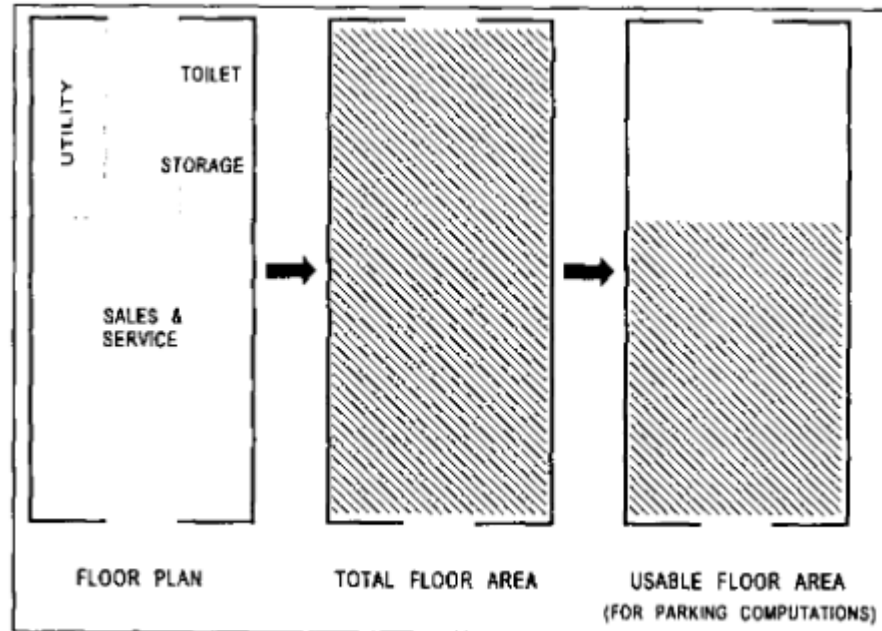
For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior walls or from the center line of walls separating two dwelling units. The floor area measured is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

[Amended 10-20-2003 by Ord. No. 280]



**C. USABLE FLOOR AREA (FOR COMPUTING PARKING)**

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area, which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**GARAGE****A. COMMERCIAL PARKING GARAGE**

A building or other structure which is used for the storage of boats for hire or parking of motor vehicles and is not accessory to a use on the same or another zoning lot.

**B. PRIVATE GARAGE**

Any detached accessory building that is a minimum of 400 square feet in size, or a portion of a main building designed or used mainly for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

[Amended 12-20-2010 by Ord. No. 305; 1-7-2013 by Ord. No. 308]

**C. SERVICE GARAGE**

Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

**GENERAL COMMONS AREA**

All areas outside of the condominium lots, including right-of-way.

**GRADE**

The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of said total averages.

**HOTEL**

A. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of

the following services are offered:

- (1) Maid service.
  - (2) Furnishing of linen.
  - (3) Telephone, secretarial, or desk service.
  - (4) Bellboy service.
- B. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

## **JUNKYARD**

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 junkyard includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

## **KENNEL, COMMERCIAL**

Any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

## **LIMITED COMMONS AREA**

The areas within a condominium lot that are outside of the building envelope.

## **LOT**

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

### **A. CORNER LOT**

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

### **B. INTERIOR LOT**

Any lot other than a corner lot.

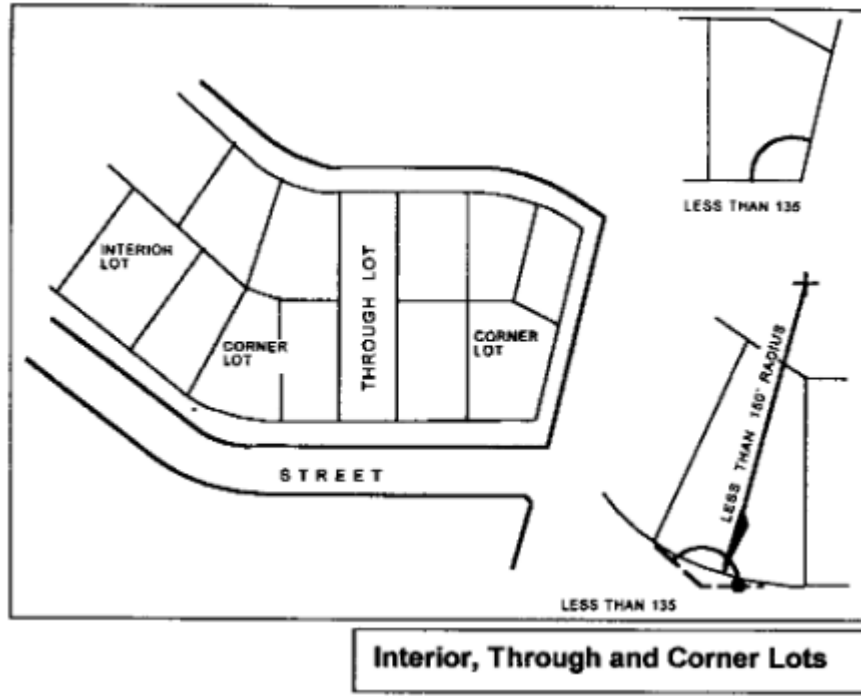
### **C. THROUGH LOT**

Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards facing a street shall be considered frontage and front yard setbacks shall be provided as required.

[Amended 1-7-2013 by Ord. No. 308]

### **D. ZONING LOT**

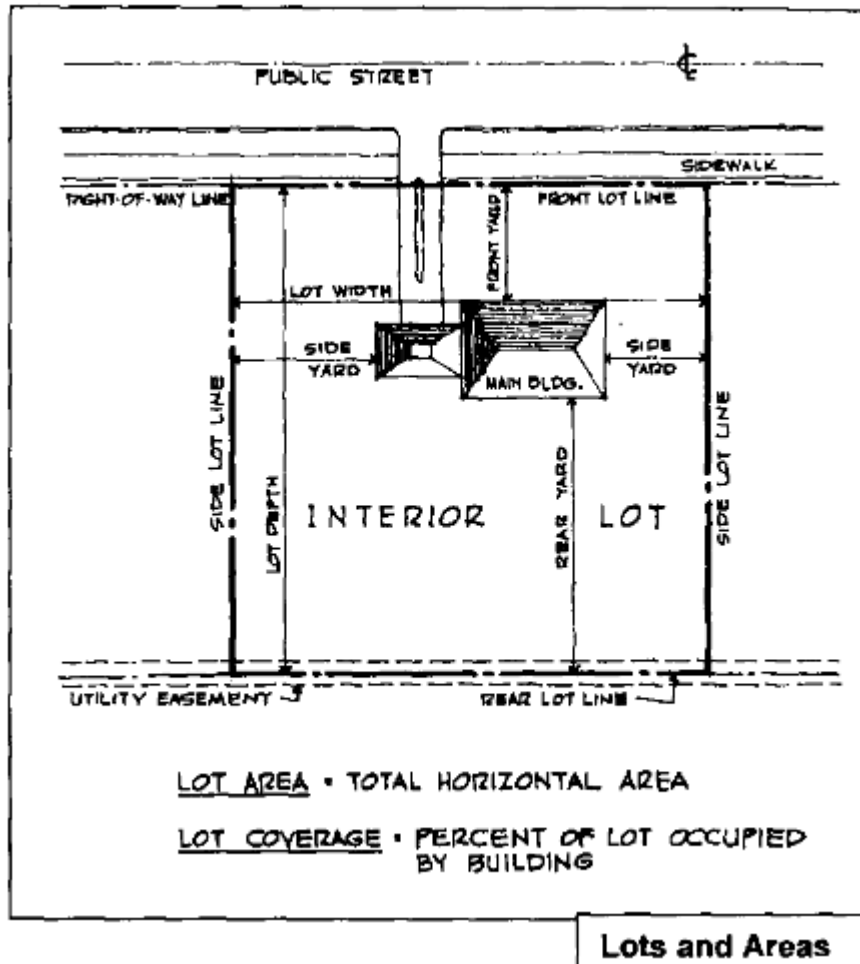
A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record, but may include it.



**Interior, Through and Corner Lots**

**LOT AREA**

The total horizontal area within the lot lines of the lot.



**Lots and Areas**

**LOT COVERAGE**

The part or percent of the lot occupied by buildings, including accessory buildings.

**LOT DEPTH**

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT LINES**

The lines defining the limits of a lot as described herein:

**A. FRONT LOT LINE**

In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, it is that line separating said lot from either street.

**B. REAR LOT LINE**

That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

**C. SIDE LOT LINE**

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD**

A parcel of land, the dimensions of which are described in a document or shown on a map on file with the County Register of Deeds or in common use by city, township, or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT WIDTH**

The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.

**MAIN BUILDING**

A building in which is conducted the principal use of the lot upon which it is situated.

**MAIN USE**

The principal use to which the premises is devoted and the principal purpose for which the premises exists.

**MAJOR THOROUGHFARE**

An arterial street which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the major thoroughfare plan for East China Charter Township. Any street with a width, existing or proposed, of 120 feet shall be considered as a major thoroughfare.

**MARGINAL ACCESS ROAD**

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

**MASTER DEED**

The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the plan for the project.

**MASTER PLAN**

The comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township and

includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Township Board.

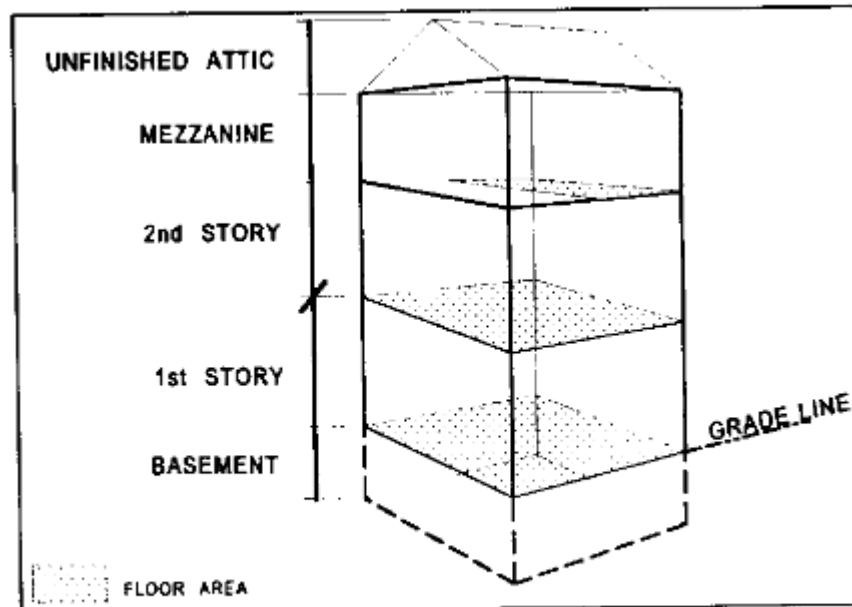
### **MEDICAL MARIJUANA DISPENSARY, GROW FACILITY, COMPASSION CLUB OR SIMILAR OPERATION**

Any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at or own the location where the medical marijuana is grown or cultivated, or any facility or location where medical marijuana is grown, processed, possessed or cultivated for the purpose of distributing the medical marijuana to more than the cumulative total of five qualified patients.

[Added 3-21-2011 by Ord. No. 306]

### **MEZZANINE**

An intermediate floor in any story occupying not to exceed 1/3 of the floor area of such story.



**Basic Structural Terms**

### **MINI STORAGE FACILITY**

Self-storage spaces designed and used for the purpose of renting or leasing individual storage space to tenants who have access to such space for the purpose of storing and removing personal property.

[Added 10-20-2003 by Ord. No. 281]

### **MOTEL**

A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

### **NONCONFORMING BUILDING**

A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located.

### **NONCONFORMING USE**

A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**NURSERY, PLANT MATERIAL**

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

**NUISANCE**

An offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being; or the generation of an excessive or concentrated movement of people or things, such as:

- A. Noise.
- B. Dust.
- C. Smoke.
- D. Odor.
- E. Glare.
- F. Fumes.
- G. Flashes.
- H. Vibration.
- I. Shockwaves.
- J. Heat.
- K. Electronic or atomic radiation.
- L. Objectionable effluent.
- M. Noise of congregation of people, particularly at night.
- N. Vehicular traffic.
- O. Invasion of nonabutting street frontage by traffic.

**OFF-STREET PARKING LOT**

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

**OPEN SPACE**

That part of a zoning lot, including courts or yards, which:

- A. Is open and unobstructed from its lowest level to the sky; and
- B. Is accessible to all residents upon the zoning lot; and
- C. Is not part of the roof of that portion of a building containing dwelling units; and
- D. Is the roof of an attached garage if said roof is used for a swimming pool deck or recreational deck; and is not higher than 23 feet above grade; and is directly accessible by a passageway from the residential buildings.

**OPEN STOREFRONT**

A business establishment so developed that service to the patron may be extended beyond the walls of the structure through an exterior service window or other similar form of opening in the

building, allowing the patron to remain outside and not requiring the patron to enter the structure. The term "open storefront" shall not include automobile repair stations or automobile service stations.

[Amended 4-19-2004 by Ord. No. 285; 1-7-2013 by Ord. No. 308]

#### **PARKING SPACE**

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

#### **PERSONAL WIRELESS SERVICE ANTENNAS**

An antenna used to send or receive PWS signals.

[Added 11-6-2006 by Ord. No. 293]

#### **PERSONAL WIRELESS SERVICE (PWS) FACILITIES**

As initially defined by the Telecommunications Act of 1996 to include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services and intended to include telecommunications by cellular, personal communications service (PCS) or specialized mobile radio (SAR) methods.

[Added 11-6-2006 by Ord. No. 293]

#### **PERSONAL WIRELESS SERVICE SUPPORT STRUCTURE**

A structure used to support PWS antennas.

[Added 11-6-2006 by Ord. No. 293]

#### **PERSONAL WIRELESS SERVICE TOWER**

A freestanding structure, attached to the ground and used to support PWS antennas.

[Added 11-6-2006 by Ord. No. 293]

#### **PRINCIPAL USE**

The main use to which the premises is devoted and the principal purpose for which the premises exists.

#### **PUBLIC UTILITY**

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

#### **ROOM**

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

#### **SETBACK**

The distance required to obtain minimum front, side or rear yard open space provisions of this chapter. Setback from a public street shall be measured from the existing or proposed right-of-way line, whichever is greater.

[Amended 10-20-2003 by Ord. No. 280]

#### **SIGN**

Words, numerals, figures, devices, designs, or trademarks, either permanent or temporary, which are visible to the general public and used to make known a product, message, individual, firm, service, profession, business or other entity. A sign shall include the following types:

##### **A. ACCESSORY SIGN**

A sign related to the principal use of the premises.

**B. ADVERTISING SIGN**

A nonaccessory sign not relating to a business, use, or service on the premises upon which the sign is placed.

**C. BILLBOARD**

A nonaccessory sign generally of a larger size than an advertising sign.

**D. BULLETIN BOARD or ANNOUNCEMENT SIGN**

A business sign of the following nature:

(1) Church name and services, school activities, etc.

(2) A directory of offices, commercial or industrial activities, activities within a building or planned group of buildings.

**E. BUSINESS SIGN**

An accessory sign related to the business, activity, or service conducted on the premises upon which the sign is placed.

**F. CANOPY SIGN**

A sign attached to the underside of a canopy, marquee, awning, or other covered structure projecting from and supported by a building.

**G. DIRECTIONAL SIGN**

A sign to direct vehicular or pedestrian traffic to parking areas, loading areas, or portions of a building and not containing any form of advertising or logos.

**H. FESTOON SIGN**

A business sign where incandescent light bulbs, banners, pennants, or other similar features or devices are strung or hung overhead and are not an integral physical part of the building or structure they are intended to serve.

**I. FLASHING, ANIMATED, OR MOVING SIGN**

(1) A sign that intermittently reflects lights from either an artificial source or the sun; or

(2) A sign which has movement or any illumination such as intermittent, flashing, scintillating, or varying intensity; or

(3) A sign that has any visible portions in motion, either constantly or at intervals, which motion may be caused either by artificial or natural sources.

**J. FREESTANDING SIGN**

A ground or pylon sign.

**K. GROUND SIGN**

A permanent sign, not a pylon sign and not attached to any building, and supported by uprights, braces, or some object on the ground. The height of such a sign shall not be over eight feet above grade.

**L. IDENTIFICATION AND NAMEPLATE SIGN**

A sign stating the name of a person, firm, or description of a certain permitted use.

**M. NONACCESSORY SIGN**

A sign not related to the principal use of the premises.

**N. POLITICAL SIGN**

A sign relating to the election of a person to public office, a political party, or a matter to be voted upon at an election called by a public body.

**O. PORTABLE SIGN**



A sign affixed to a vehicle or trailer, or any other sign not permanently attached to the ground which can be moved or transported.

**P. PROJECTING SIGN**

A sign attached to a building or other structure and extending in whole, or in part, more than 12 inches beyond the surface of the portion of the building line or extending over public property.

**Q. PYLON SIGN**

An elevated sign with a clear space of not less than 10 feet between the bottom of the face of the sign and the grade.

**R. REAL ESTATE DEVELOPMENT SIGN**

A sign indicating the proposed start of or availability of a subdivision or other real estate development.

**S. REAL ESTATE SIGN**

A business sign placed upon a property advertising that particular property for sale, rent, or lease.

**T. WALL SIGN**

A sign erected on or fastened against the wall or roof area of a building structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and generally extending not more than 12 inches beyond the surface of the building, wall, or roof area on which erected or fastened.

**SIGN, MAXIMUM SIZE OF**

The total area of a sign included within the square, rectangle, triangle, circle, or area caused by encompassing the outermost portions of the sign or around the outermost edges of a sign formed of letters or symbols only. An area so created shall include all solid surfaces, as well as all openings, and shall include all sides serving as a sign surface.

**STORY**

That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is not floor above, then the ceiling next above. A "story" thus defined shall not be counted as a story when more than 50%, by cubic content, is below the height level of the adjoining ground.

**STORY, HALF**

An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

**STREET**

A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**TEMPORARY USE OR BUILDING**

A use or building permitted by the Board of Appeals to exist during a specified period of time.

**TRAILER COACH (MOBILE HOME)**

Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

**TRAILER COURT (MOBILE HOME PARK)**

Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.

**USE**

The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**YARD AREA LINES**

In reference to site condominium developments, yard area lines are considered equal to lot lines as defined in this chapter.

**YARDS**

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

[Amended 11-2-2015 by Ord. No. 314]

**A. FRONT YARD**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. All yards abutting on a street shall be considered as front yards for setback purposes.

**B. NONREQUIRED YARD**

An open space between the minimum setback line and the main building. The nonrequired yard is the additional yard area that the building is set back beyond the minimum setback requirement for the district.

**C. REAR YARD**

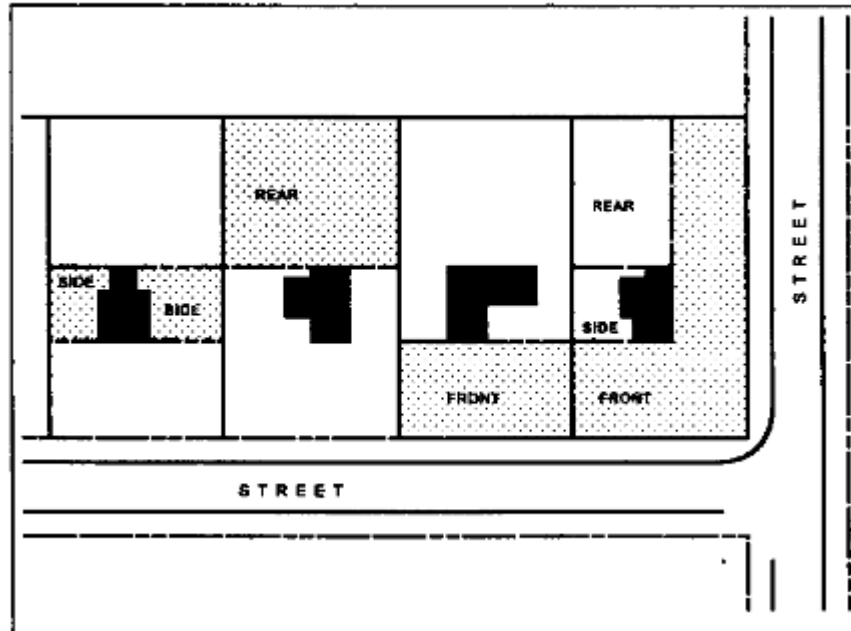
An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

**D. REQUIRED YARD**

An open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirement for the district.

**E. SIDE YARD**

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



**ZONING EXCEPTIONS and VARIANCES**

**A. EXCEPTION**

Exceptions are intended to accommodate instances where the provisions of this chapter are not precise enough to cover all situations without interpretation. The granting of an exception does not require a finding of undue hardship but is permitted only when specifically referenced in this chapter and only after review of an application by the Board of Appeals or Planning Commission.

**B. VARIANCE**

A modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship or practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

[1] *Editor's Note: See also Ch. 139, Bed-and-Breakfast Establishments.*

**Article 3. Zoning Districts and Map**

**§ 480-6. Districts established.**

[Amended 7-17-2000 by Ord. No. 268; 1-7-2013 by Ord. No. 308]

For the purpose of this chapter, the Charter Township of East China is hereby divided into the following districts:

- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- RM-1 Multiple-Family Residential District (Low Rise)
- RM-2 Multiple-Family Residential District (Medium Rise)
- PND Planned Neighborhood Development
- MHP Mobile Home Park District
- OS-1 Office Service District
- LB Local Business District

GB	General Business District
MC	Medical Campus District
IRO	Industrial Research Office District
I-1	Industrial One District
I-2	Industrial Two District
P-1	Vehicular Parking District

## § 480-7. District boundaries; Zoning Map.

- A. The boundaries of these districts are hereby established as shown on the Zoning Map, Charter Township of East China Zoning Ordinance, which accompanies this chapter, and which map with all notations, references, and other information shown thereon shall be as much a part of this chapter as if fully described herein. The Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words:

This is to certify that this is the Official Zoning Map referred to in § 480-7 of the Zoning Ordinance of the Charter Township of East China.

- B. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on a master of the Official Zoning Map after the amendment has been approved by the Township Board. Two copies of the Official Zoning Map are to be maintained and kept up to date: one in the Building Official's office and one in the Township Clerk's office accessible to the public and shall be the final authority as to the current zoning status of lands, buildings, and other structures in the Township.

[1] *Editor's Note: The Zoning Map is on file in the Office of the Township Clerk, where it is available for inspection.*

## § 480-8. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following the Township limits shall be construed as following such Township limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

- (1) For the purposes of this chapter, the establishment of an official harbor line shall be construed as the point of the new shoreline. All use districts immediately abutting the present shoreline shall be extended, within the Township of East China boundaries, from said existing shoreline to said harbor line by straight line extensions from east to west district lines so as to intersect the established harbor lines.

- (2) Where said extensions of districts create a conflict as to the specific boundaries of said land extensions, the areas in conflict shall automatically be classified as an R-1 One-Family Residential District, until a Zoning Map for said areas has been adopted by the Township Board. The Township Planning Commission shall recommend appropriate zoning for such area within three months after the matter is referred to the Township Board.
- F. Boundaries indicated as parallel to or extensions of features indicated in rules in Subsections **A** through **E** above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by rules in Subsections **A** through **F** above, the Board of Appeals shall interpret the district boundaries.
- H. Where, due to lack of scale, lack of detail, or illegibility of the Zoning Map accompanying this chapter, there is uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location shall be determined by the Board of Appeals.

## § 480-9. Zoning of vacated land.

Where any street, alley or other public way within the Charter Township of East China have been vacated by action of the Township Board, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically, and without further action of the Township Board, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which the same shall attach, and the same shall be used for the same use as is permitted under this chapter for such adjoining lands.

## Article 4. R-1, R-2 and R-3 One-Family Residential Districts

[Amended 7-17-2000 by Ord. No. 268]

### § 480-10. Intent.

The R-1, R-2 and R-3 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities which serve the residents in the district.

### § 480-11. Principal uses permitted.

In a One-Family Residential District (R-1, R-2 and R-3), the use of land, the location and erection of new buildings or structures, and the alteration, enlargement, and moving of existing buildings and structures from other locations and/or districts shall conform to the following specified uses, unless otherwise provided in this chapter:

- A. One-family detached dwellings, site built.
- B. Farms, including the raising of poultry and livestock, within the R-3 District only.  
[Amended 6-9-2021 by Ord. No. 320]
- C. Greenhouses and truck gardens, together with their accessory uses, shall be permitted on parcels of less than five acres subject to Board of Appeals review and finding that such uses would not conflict with abutting one-family residential development.

- D. Municipal buildings and publicly owned and operated libraries, parks, parkways and recreational facilities.
- E. Cemeteries which lawfully occupied land at the time of adoption of this chapter.
- F. Temporary buildings and uses for construction purposes for a period not to exceed one year.
- G. Accessory structures and uses customarily incident to any of the above uses.

## § 480-12. Uses permitted subject to conditions.

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

- A. Churches and other facilities normally incidental thereto, subject to the following conditions:
  - (1) Buildings of greater than the maximum height allowed in Article **16, Schedule of Regulations**, may be allowed, provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
  - (2) The site shall be so located as to have at least one property line abutting a major thoroughfare as designed on the Major Thoroughfare Plan.
    - (a) All ingress and egress to the site shall be directly onto said major thoroughfare or a marginal access service drive thereof.
    - (b) Existing churches and church lands purchased before the effective date of this chapter and not meeting the requirements of Subsection **A(2)** shall not be prevented from constructing and/or expanding their facilities and, for the purposes of this chapter, therefore, shall not be considered nonconforming.
- B. Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
- C. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- D. Swimming pool clubs when incorporated as a nonprofit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision, or other specified areas, for the exclusive use of members and their guests, subject to the following conditions:
  - (1) In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare as designated on the Major Thoroughfare Plan, and the site shall be so planned as to provide ingress and egress directly onto or from said major thoroughfare.
  - (2) Front, side and rear yards shall be at least 80 feet wide, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
  - (3) Buildings erected on the premises shall not exceed one story in height.
  - (4) Off-street parking shall be provided so as to accommodate not less than 1/2 of the member families and/or individual members. Prior to the issuance of a building permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the number of off-street parking spaces.

- (5) As a condition to the original granting of such permit and the operation of such nonprofit swimming pool club, as a part of said application the applicant shall obtain from 75% of the freeholders residing or owning property within a one-hundred-fifty-foot radius immediately adjoining any property line of the site proposed for development a written statement of waiver addressed to the Township Board recommending that such approval be granted; also, approval from 51% of the homeowners within 1,000 feet shall be had.
  - (6) Whenever a swimming pool is constructed under this chapter, said pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.
  - (7) All plans for storm sewers, sanitary sewers, and other utilities shall be reviewed and approved by the Township Engineer.
- E. Golf courses, which may or may not be operated for profit, subject to the following conditions:
- (1) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare.
  - (2) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
  - (3) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line of abutting residentially zoned lands; provided that, where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
  - (4) The minimum number of off-street parking spaces to be provided shall be six spaces per hole plus one space per employee plus spaces as required under Article 17, Off-Street Parking and Loading, for each accessory use, such as a restaurant or a bar.
  - (5) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate.
- F. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, subject to the following conditions:
- (1) Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
  - (2) All ingress to and egress from said site shall be directly onto a major thoroughfare.
  - (3) No building shall be closer than 80 feet to any property line.
- G. Manufactured one-family detached dwelling units, subject to the following conditions:
- (1) When such dwelling units shall conform to all applicable Township codes and ordinances.
  - (2) Such dwelling units shall be permanently attached to an approved foundation.
  - (3) Such dwelling units shall be provided with exterior finish materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the applicable one-family residential district.
  - (4) Such dwelling units shall be provided with roof designs and roofing material similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the applicable one-family residential district.

- (5) Such dwelling units shall be provided with a minimum width of 24 feet and are in reasonable conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the applicable one-family residential district.
  - (6) The Planning Commission, in reviewing any such proposed dwelling unit, shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property of surrounding residential uses and the Township at large.
  - (7) In reviewing any such proposed dwelling unit, the Planning Commission may require the applicant to furnish such plans, elevations, and similar documentation as it deems necessary to permit a complete review and evaluation of the proposal.
- H. Hobby animals. The keeping of animals for nonfarm use accessory to a one-family residence, referred to as hobby animals, is permissible, subject to the following conditions. This subsection shall not apply to the keeping of dogs, cats and other household pets ordinarily kept indoors. This subsection shall also not apply to livestock and other animals kept as part of a farm or farm operation. For the purposes of this subsection, large hobby animals shall include horses and other equines, cattle, swine, sheep, lambs, goats, ostrich, emu, llama, alpaca and similar sized animals. Small hobby animals shall include rabbits, chickens, turkeys, geese, ducks, and similar sized animals.  
[Amended 6-9-2021 by Ord. No. 320]
- (1) The minimum lot size for the keeping of hobby animals shall be as follows:
    - (a) For large hobby animals, three acres. Two large hobby animals shall be permitted for the first three acres. For each additional one acre, one additional large hobby animal shall be permitted.
    - (b) For small hobby animals, one acre. Six small hobby animals shall be permitted for the first one acre. For each additional one acre, six additional small hobby animals shall be permitted.
    - (c) Lots greater than 40 acres shall have no animal quantity restrictions.
    - (d) Notwithstanding the above, offspring of said hobby animals may be kept on the lot for the time period which is customary for the species involved.
  - (2) Any structure erected for the purpose of keeping large hobby animals shall be located in the rear yard and no less than 75 feet from any lot line. Any structure erected for the purpose of keeping small hobby animals shall be located in the rear yard and no less than 20 feet from any lot line.
  - (3) All hobby animals shall be kept within a fenced enclosure or other appropriate barrier sufficient to contain the hobby animals on the lot.
  - (4) Stables and similar structures for the keeping of hobby animals shall be kept clean and manure shall be treated and handled in such a manner as to control odor and flies and shall be suitably screened from view.
- I. Bed-and-breakfast facilities licensed by the Township and as defined by Article 2, Construction of Language and Definitions, of this chapter may be permitted, subject to the following conditions:<sup>[1]</sup>  
[Amended 1-7-2013 by Ord. No. 308]
- (1) Lots must meet the area and width requirements as specified by Article 16, **Schedule of Regulations**.
  - (2) The site shall be so located as to have at least one property line abutting a public road, state highway or major thoroughfare as designated on the Major Thoroughfare Plan, and all vehicular access shall be directly to such road.



- (3) The bed-and-breakfast shall be located within the principal building which must be owner-occupied at all times.
- (4) A minimum distance of 500 feet shall be provided between bed-and-breakfast uses. Such spacing shall be measured along road frontages between property lines.
- (5) Not more than 25% of the residential floor area of the dwelling unit shall be used for bed-and-breakfast sleeping rooms, and the number of such sleeping rooms shall not exceed three.
- (6) Each room used to accommodate guests shall contain a minimum area of 100 square feet for every two people with an additional 30 square feet for each additional person. A maximum of four people shall be permitted in each guest room.
- (7) There shall be no separate cooking facilities for bed-and-breakfast occupants.
- (8) The sale of any commodity, product or services is not an accessory use and shall not be permitted.
- (9) One off-street parking space shall be provided for each leasable bedroom in addition to the two residential spaces.
- (10) Off-street parking areas must be provided in accordance with Article **17**, Off-Street Parking and Loading.
- (11) Low-intensity outside lighting for nighttime security and safety shall be permitted subject to review and approval by the Planning Commission.
- (12) One unlighted/unanimated sign, not more than two square feet in area and 4 1/2 feet in height may be permitted. Such sign may be permitted within the minimum yard setback area but may not be closer than 10 feet to any road right-of-way. Such sign must also meet the standards specified in § **480-65**, Corner clearance.
- (13) Vehicular access to bed-and-breakfast facilities shall be via private entrance drives. The use of shared drive arrangements shall not be permitted.<sup>[2]</sup>
  - [2] *Editor's Note: Original Section 410, Subsection 10, Additions to existing dwelling units, which previously followed this subsection, was repealed 10-20-2003 by Ord. No. 280.*
  - [1] *Editor's Note: See also Ch. 139, Bed-and-Breakfast Establishments.*

## § 480-13. Residential development options.

- A. Lot averaging option. The lot averaging option is intended to allow the subdivision into lots with varying sizes as long as the average of all lots is equal to the minimum lot size specified Article **16, Schedule of Regulations**, for each one-family residential district. If this option is selected, the following conditions shall be met:
  - (1) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width that is greater than 10% below the area or width required in Article **16, Schedule of Regulations**.
  - (2) The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received approval by the Township Board, is carried through a final flat analysis, then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.
  - (3) All computations showing lot area and the average lot area resulting through the use of this option shall be indicated on the print of the preliminary plat.
  - (4) The number of lots shall not exceed the permitted number of dwelling units per acres (including roads) in the R-1, R-2 and R-3 One-Family Residential Districts as set forth in Article **16, Schedule of Regulations**.

- (5) Minimum yard requirements of the district in which the subdivision is located shall be provided.
- B. Subdivision open space option. The subdivision open space option is intended to provide for the creation of usable park and open space within one-family residential subdivisions. As an incentive for the use of this option, certain modifications to the standards as outlined in Article **16, Schedule of Regulations**, may be permitted. If this option is selected, the following conditions shall be met:
- (1) The lot area in all one-family residential districts, with sewers, may be reduced by 15%, provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot areas as required under R-1, R-2 and R-3 Districts. In the R-1, R-2 and R-3 Districts, this reduction may be accomplished in part by reducing lot widths up to five feet. All calculations shall be predicated upon the one-family districts having the following gross densities (including roads):
    - (a) R-1 equals 4.1 dwelling units per acre.
    - (b) R-2 equals 3.2 dwelling units per acre.
    - (c) R-3 equals 2.4 dwelling units per acre.
  - (2) Rear yards may be reduced to 20 feet in the R-1 and R-2 Districts and to 30 feet in the R-3 District when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of said dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot.
  - (3) For each square foot of land gained through the reduction of lot size below the minimum requirements as outlined in Article **16, Schedule of Regulations**, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the East China Charter Township Board.
  - (4) The area to be dedicated for subdivision open space purposes shall in no instance be less than four acres and shall be in a location and shape approved by the East China Township Planning Commission. Said land shall be so graded and developed as to have natural drainage.
  - (5) In approving the application of the subdivision open space plan technique, the Planning Commission must be cognizant of the following objectives:
    - (a) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
    - (b) To encourage developers to use a more creative approach in the development of residential areas, thereby designing safety into the street pattern.
    - (c) To encourage a more efficient and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles in the site.
  - (6) Use of the open space option shall only be permitted if it is mutually agreeable to the legislative body and the subdivider or developer.
  - (7) Construction shall be started within six months after having received approval of the final plat and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
  - (8) Under this option, the developer or subdivider shall dedicate the total park area at the time of filing of the final plat on all or any portion of the plat.
  - (9) The modifications permitted under this section shall not be applied in conjunction with the lot averaging option.

- C. One-family residential clustering option. The one-family residential clustering option is intended to introduce a flexible means of development for situations where a conventional subdivision approach may be too restrictive.
- (1) In all one-family residential districts, one-family clustering shall be permitted in those areas having the following characteristics:
    - (a) An area generally parallel to, and not to exceed 360 feet in depth, on those unsubdivided parcels of land having frontage on existing or proposed major thoroughfares of at least 120 feet so as to provide transition between said major thoroughfare and adjacent one-family detached housing. The density may equal five dwelling units per acre (including all residential roads).
      - [1] The maximum depth permitted herein may be increased by the Planning Commission where it is found that the remaining portion of the parcel is of insufficient area or restricted by dimension to be suitably developed under a normal subdivision approach.
      - [2] In such instance, the density on that area increased beyond the initial 360 feet shall not exceed that specified in Subsection **C(1)(b)** below.
    - (b) Those unsubdivided parcels of land abutting an existing or proposed collector street of at least 86 feet which, in the opinion of the Planning Commission, would be impractical to develop under a normal subdivision approach due to topographic conditions, unusual parcel shape, and/or restrictive property dimensions, the density may equal the following units per acre (including all residential roads):
      - [1] R-1 equals 4.1 dwelling units per acre.
      - [2] R-2 equals 3.2 dwelling units per acre.
      - [3] R-3 equals 2.4 dwelling units per acre.
    - (c) Unsubdivided acreage consisting of less than 100 acres bounded on at least three sides by an industrial district and/or an existing public or semipublic development and fronting on a state trunk line road or a major thoroughfare of at least a one-hundred-twenty-foot right-of-way. The density of this development may be equal to that permitted in the preceding Subsection **C(1)(b)** above.
  - (2) Under this option, the attaching of one-family homes shall be permitted when said homes are attached through a common party wall which does not have over 50% of its area in common with an abutting dwelling wall, by means of an architectural wall detail which does not form interior room space, or through a common party wall in the garage portion of the structures. There shall be no other common party wall relationship permitted through any other portion of the residential unit.
  - (3) The maximum number of attached or detached units in any grouping shall not exceed four.
  - (4) Approval under this section shall require the submittal of a site plan in accordance with § **480-72**, Site plan review. Proposed buildings may be shown in either of the following ways:
    - (a) A fully dimensioned and detailed site plan showing exact location of all structures.
    - (b) The site plan may be submitted with rectangular areas designated on the plan within which each structure shall be later located. In this instance, a building permit will not be issued until the final building plan is submitted and is drawn in the rectangular area shown in the site plan.
  - (5) Unless otherwise provided for, the minimum requirements of Article **16, Schedule of Regulations**, of this chapter shall apply. However, yards shall be provided as follows:

- (a) Front yards, on that side of a cluster dwelling adjacent to dedicated street, shall be equal to at least 25 feet.
  - (b) All other setbacks shall be at least 30 feet between property line and building line.
  - (c) Spacing between groups of clustered dwellings or freestanding cluster units shall be equal to at least 25 feet, measured between the nearest point of the two structures.
  - (d) Spacing between detached (freestanding) units shall be equal to at least 15 feet, measured between the nearest point of the two structures.
  - (e) A one-family cluster development when abutting a front yard of an existing recorded subdivision, which is not a part of the site plan submitted under this option, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said site of the cluster as a front yard.
- (6) Proposals utilizing the one-family residential cluster option may be platted in accordance with Act 288, PA 1967, as amended,<sup>[1]</sup> when all units in the proposed plat are detached.
- [1] Editor's Note: See MCLA § 560.101 et seq.*
- (7) So as to accomplish a unified appearance, the units in each cluster grouping shall be constructed of similar materials and shall have one architectural style applied. The building facades, in their overall treatment, shall be so varied as not to give the appearance of repetition.
- (8) Off-street parking shall be provided in accordance with Article 17, Off-street Parking and Loading. All parking shall be provided within completely enclosed garages attached to the principal use it is to serve.
- (9) In reviewing the plans and approving the application of this section to a particular site, the Planning Commission shall require the following:
- (a) A landscaped berm, at least five feet in height, shall be provided along the entire property line abutting a major thoroughfare or collector street. This berm may be included within a required yard setback.
  - (b) All access to the site shall be from a major thoroughfare of at least 120 feet right-of-way, or a collector street of 86 feet right-of-way as identified in the Township Master Plan of Future Land Use.
- (10) Prior to approval or denial of a proposed one-family residential clustering option, the Planning Commission shall hold a public hearing in accordance with § 480-92, Public hearings, of this chapter.
- D. Site condominium option. The site condominium option is intended to provide for the division of land as regulated by the Condominium Act (Act 59 of 1978 as amended)<sup>[2]</sup> rather than the Land Division Act (MCLA § 560.101 et seq., as amended). In accordance with Section 141 of Act 59,<sup>[3]</sup> it is further intended that development, utilizing the site condominium options, be treated no differently than a subdivision developed under the Land Division Act (MCLA § 560.101 et seq.) and that the same standards be applied in their design layout and improvements.  
[Amended 4-19-2004 by Ord. No. 285]
- (1) If the site condominium option is selected, the following conditions are applicable:
- (a) Article 16, **Schedule of Regulations**, limiting the height and bulk of buildings, the minimum lot sizes and yard requirements shall be applicable as permitted in each zoning district or as otherwise altered within this section.
  - (b) Any development which utilizes the site condominium option shall conform to § 400-7, Subdivision design layout standards, and § 400-9, Subdivision and project improvements, of Chapter 400, Subdivision of Land.

- (c) A site plan shall be submitted in accordance with § **480-72**, Site plan review.
- (d) The site condominium option can be used with other development options of this chapter.
- (2) If building footprints are shown on the site plan, setbacks shall be measured to the building. Otherwise, setbacks shall be provided for each building envelope equal to the minimum setback requirements of the zoning district and shall be measured as specified below:
  - (a) Rear setbacks shall be measured from the rear area line to the rear building envelope.
  - (b) Side setbacks shall be measured from the side area line to the side building envelope.
  - (c) Front setbacks shall be measured from the street right-of-way for public or private streets, and from the pavement edge for streets not having a right-of-way. In instances where there is no right-of-way, the setback shall be increased by 15 feet.
- (3) The Planning Commission may request that several different facades be used to provide a variety of building appearances.
- (4) Plans for the development and landscaping of all commons areas must be submitted and shall meet the applicable requirements of § **480-63**, Landscaping.
- (5) All streets shall be dedicated to the public unless private streets are allowed by the Planning Commission.
  - (a) In considering the allowance of private streets, at least the following criteria will be considered:
    - [1] If the site is oddly shaped and the right-of-way required for public streets would create an impractical situation, i.e., double frontage lots, single loaded frontage.
    - [2] If the site contains natural features that could be better preserved through the use of private streets.
    - [3] The use of private streets would not prevent the interconnection of existing or planned public streets.
  - (b) These criteria are included as guidelines and do not exclude further considerations.
- (6) The means of maintaining all limited and general commons areas shall be specified in the master deed.
- (7) A copy of the master deed shall be submitted for review and recommendations of the Township Attorney prior to final plan approval.
- (8) Review by Planning Commission.
  - (a) The Township Clerk shall receive and check the plan for completeness as per § **480-72**, Site plan review. If complete and basically in conformance with applicable municipal requirements, the Clerk shall place the proposal on the agenda of the next regular Planning Commission meeting.
  - (b) The Planning Commission shall review all details of the proposed plan within the framework of this chapter, within the various elements of the Master Plan, and within the standards of Chapter **400**, Subdivision of Land, Article **I**, Subdivision Regulations.
  - (c) The Planning Commission shall give preliminary approval or disapprove the plan.
    - [1] Should the Commission deny approval of the plan, it shall record the reasons in the minutes of the regular meeting. A copy of the minutes shall be sent to the applicant.
    - [2] Should the Commission find that all conditions have been satisfactorily met and the plan conforms to the provision of this chapter, it shall recommend approval to the

Township Board. The Planning Commission Chairman shall make a notation to that effect on each copy of the plan and distribute copies of same as follows: return one copy to the applicant; retain one copy which shall become a matter of permanent record in the Commission files; forward one copy to the School Board or School Superintendent of the School District having jurisdiction in the area concerned; file the remaining copies in the office of the Clerk.

(9) Review by Township Board.

- (a) No installation or construction of any improvements shall be made before the plan has received final approval of the Township Board, engineering plans have been reviewed by the Township Engineer and any deposits required have been received by the Township.
- (b) The plan shall be filed by the applicant with the Clerk and shall deposit such sums of money as the Township Board may require herein or by other ordinances.
- (c) The Township Board shall not review the plan until it has received the review and preliminary approval of the Planning Commission. Following the preliminary approval by the Planning Commission, the Township Board shall consider the plan at such meeting that the matter is placed on the regularly scheduled agenda.
- (d) Final approval shall be effective for a period of two years from the date of final approval. The two-year period may be extended if requested by the applicant and granted by the Township Board in writing.
- (e) Upon final approval of the plan by the Township Board, three prints of the plan shall be forwarded: one to the Clerk; one to the Planning Commission; and one to the Building Department.

[2] *Editor's Note: See MCLA § 559.101 et seq.*

[3] *Editor's Note: See MCLA § 559.241.*

## Article 5. RM-1 and RM-2 Multiple-Family Residential Districts

### § 480-14. Purpose.

The RM-1 and RM-2 Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts. The multiple-family districts are further provided to serve the limited needs for the apartment-type unit in an otherwise medium-density, single-family community.

### § 480-15. Principal uses permitted.

In the RM-1 and RM-2 Districts, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified uses:

- A. All uses permitted and as regulated in the abutting one-family residential districts, except as hereinafter modified. One-family dwellings shall conform to the requirements of the one-family zoning district which has the greatest common adjacent lot lines; if there are not any adjacent one-family districts, then the requirements of the least restrictive one-family district shall apply.
- B. Two-family dwellings, site built, with a minimum lot area of at least 4,000 square feet per dwelling unit and a lot width of at least 40 feet per dwelling unit, not to exceed two stories and 25 feet in height.

- C. Multiple-family dwellings, site built.
- D. Accessory structures and uses customarily incident to any of the above uses.

## § 480-16. Vehicular access.

[Added 10-7-2002 by Ord. No. 276]

It is the intent of this section to distinguish between maneuvering lanes or parking lot aisles and streets that are used for general vehicular circulation through a site. The Planning Commission shall determine those vehicular ways that are streets based on the configuration and function of the site plan as they relate to the following criteria:

- A. Parking lot aisles or maneuvering lanes shall be constructed to the standards set forth in § 480-54, Parking space layout, construction and maintenance.
- B. A street shall include vehicular accessways that:
  - (1) Provide vehicular access to the site from exterior public roads.
  - (2) Provide for vehicular circulation throughout the site.
  - (3) Are designed to connect parking lots.
- C. Streets shall have a pavement cross section of 30 feet from back of curb to back of curb. Parking shall not be permitted on both sides of a street.
- D. Buildings and structures shall not be located within the fifteen-foot corner clearance (see § 480-65, Corner clearance), created by the intersection of any two streets or of any street and a parking aisle.
- E. Garages utilized for parking shall be set back not fewer than 25 feet from any pavement edge or 25 feet from the nearest edge of any sidewalk generally perpendicular to the driveway giving access to the garage.
- F. Street pavement shall be constructed to the standards for public streets as established by the St. Clair County Road Commission.

## § 480-17. Uses permitted subject to conditions.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use:

- A. Nursery schools, day nurseries, and child-care centers (not including dormitories), provided that:
  - (1) For each child so cared for, there is provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a total minimum area of at least 5,000 square feet and shall be fenced or screened from any adjoining residential land with planting.
  - (2) Any use permitted herein shall not be permitted on an interior lot of any residential block unless the Planning Commission finds that, as part of a comprehensive site plan, the nursery school is designed to fit within the overall project development.
- B. Housing for the elderly when the following conditions are met:
  - (1) Independent elderly housing provided for in a multiple-family housing form with full facilities for self-sufficiency in each individual unit. A community center for this overall development may be provided.
  - (2) Dependent elderly housing provided for in a multiple-family housing form with central dining facilities provided as a basic service to each unit. A community center for the overall

development shall be provided to support recreational and social activities.

- (3) The following minimum requirements shall be provided for the elderly unit types permitted in Subsections **B(1)** and **(2)** above:

<b>Density</b>	<b>Independent No change</b>	<b>Dependent No change</b>
Minimum usable floor area		
1 bedroom	500 sq. ft.	350 sq. ft.
2 bedroom	600 sq. ft.	450 sq. ft.
Building and height setbacks and percent coverage of site	No change	No change
Off-street parking		
Residents	1.00 space/unit	0.50 space/unit
Guests	0.25 space/unit	0.25 space/unit

- (4) Proposed senior housing developments will also be evaluated in terms of their convenience and/or accessibility by residents to various commercial, office and service facilities. Consideration shall be given to the type of facilities proposed, resident needs, effective proximity to service facilities and transportation services to these facilities.

C. Convalescent homes, not to exceed a height of two stories, when the following condition are met:

- (1) The site shall consist of at least three acres.
- (2) Lot coverage shall not exceed 25% for all buildings.
- (3) No building shall be closer than 40 feet from any property line.

D. Manufactured one-family detached dwelling units as regulated in the abutting one-family residential district and subject to the provisions of § **480-12** of this chapter.

E. Manufactured multiple-family dwelling units, when the following conditions are met:

- (1) Such dwelling units shall conform to all applicable Township codes and ordinances.
- (2) Such dwelling units shall be permanently attached to an approved foundation.
- (3) Such dwelling units shall be provided with exterior finish materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RM-1 District.
- (4) Such dwelling units shall be provided with roof designs and roofing materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RM District.
- (5) Such dwelling units shall be provided with an exterior building wall configuration which is in reasonable conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the RM District.
- (6) The Planning Commission, in reviewing any such proposed dwelling unit with respect to Subsections **E(3)**, **(4)** and **(5)** above, shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property of surrounding residential uses and the Township at large.
- (7) In reviewing any such proposed dwelling units, the Planning Commission may require the applicant to furnish such plans, elevations, and similar documentation as it deems necessary to permit a complete review and evaluation of the proposal.



# Article 6. PND Planned Neighborhood Development Districts

## § 480-18. Purpose.

The Planned Neighborhood Development Districts are intended to permit the development of a mixture of housing types on sites within the Township which, in the opinion of the Planning Commission and Township Board, due to area, perimeter dimensions, location, and physical site characteristics, could be logically developed as a self-contained residential area. The PND District is further intended to provide flexibility in design by giving the Planning Commission the ability to modify or waive standards of this chapter to adapt to development techniques or forms. It is anticipated that such flexibility may be necessary to successfully implement a design philosophy for a self-contained community. However, such flexibility should only be applied when doing so provides a substantial benefit to the Township.

## § 480-19. Principal permitted uses.

- A. One-family detached and attached dwellings.
- B. Multiple-family dwellings.
- C. Accessory structures and uses customarily incident to any of the above uses.

## § 480-20. Business uses permitted subject to special conditions.

- A. Permitted uses. Within a planned neighborhood development, land may be set aside for business use when such businesses are intended to primarily serve the residents of the development. Such uses included but are not limited to the following:
  - (1) Convenience commercial uses, such as small groceries, but not including gas stations.
    - (a) Sit-down restaurants where food is served by wait staff. Drive-through and fast-food restaurants are not permitted.
    - (b) Medical and professional offices.
    - (c) Service uses such as but not limited to a dry cleaner or tailor's shop.
- B. Required conditions. Because it is the intent to provide convenience businesses primarily for the use of the PND community's residents, such uses must have distinct physical characteristics that orient the businesses toward the development rather than toward adjacent major thoroughfares. At the same time, controls must be instituted to assure that residents of the PND are not negatively impacted by the business uses. When business use is proposed as a component of the PND, the following standards shall apply:
  - (1) No more than 5% of the total land area of the PND can be devoted to land for business use.
  - (2) Residential components of a PND shall be developed prior to the issuing of any building permit for business use.
  - (3) All business uses shall be accessible to residential areas in the PND via a pedestrian or nonmotorized vehicle pathway.
  - (4) No structure intended for business use may be closer than 150 feet to any residential dwelling unit.

- (5) All areas designated for business use shall be separated from residential uses through the construction of walls, berms or a significant natural feature. Such screening shall be augmented by the use of landscape plantings. If such screening is sufficiently substantial, the Planning Commission may reduce the minimum distance between residential and business structures identified in Subsection **B(4)** above.
- (6) The height of proposed business shall not exceed 25 feet. However, the Planning Commission may waive this requirement in instances where, in its opinion, doing so would result in substantial improvement to the quality of the development or in benefit to the community.

## § 480-21. Permitted density.

- A. To qualify for PND zoning, the site proposed for development must contain a minimum area of 50 acres of contiguous land under single ownership or control.
- B. The maximum number of rooms shall be equal to the average number of rooms prorated according to the zoning district classification applied to the acreage. The total number of rooms achievable under this approach shall not exceed the sum of the total of the several districts. The following shall represent the maximum permitted densities by zoning district:
  - (1) In R-1 Districts, the maximum permitted density shall not exceed 28.7 rooms per acre.
  - (2) In R-2 Districts, the maximum density shall not exceed 22.4 rooms per acre.
  - (3) In R-3 Districts, the maximum density shall not exceed 16.8 rooms per acre.  
[Added 7-17-2000 by Ord. No. 268]
  - (4) Single-family cluster units developed under the standards set forth in § **480-13** of this chapter shall not exceed 28.7 rooms per acre in an R-1 District, nor 22.4 rooms per acre in an R-2 District.  
[Amended 7-17-2000 by Ord. No. 268]
  - (5) In RM-1 and RM-2 Districts, the maximum density shall not exceed 29.0 rooms per acre.
  - (6) The number of dwelling units permitted per acre shall be determined by the following schedule:
    - (a) All single-family detached dwellings and attached cluster dwellings shall count as seven rooms.
    - (b) All four-bedroom attached units in a multiple-family dwelling shall count as five rooms.
    - (c) All three-bedroom attached units in a multiple-family dwelling shall count as four rooms.
    - (d) All two-bedroom attached units in a multiple-family dwelling shall count as three rooms.
    - (e) All one-bedroom attached units in a multiple-family dwelling shall count as two rooms.
    - (f) All efficiency apartments in a multiple-family dwelling shall count as one room.
  - (7) For the purpose of determining the number of bedrooms in an attached unit, all rooms, referred to as a "den," "library," or other extra room shall be considered as a "bedroom."
  - (8) Public open space such as park sites and public and private road rights-of-way except for major thoroughfares as herein defined may be included in computing the area of the parcel and, therefore, the related density. Nonresidential use areas and those areas proposed for the development of churches and related activities shall be excluded in computing the area of the parcel and, therefore, the related density.

- C. No more than 50% of the total rooms permitted on the site shall be in multiple-family dwelling units.
- D. No more than 10% of the total rooms permitted on the site as multiple-family dwelling units shall be one-bedroom or efficiency-type apartments.

## § 480-22. Design and layout conditions.

- A. Where a planned or proposed major thoroughfare or collector street is included partially or wholly within the project area of a planned neighborhood development, such portion of said roadway shall be dedicated as a public right-of-way with the width standards as stated in the Township's Master Plan for said right-of-way. The alignment of the roadway shall be in general conformance to the proposed alignment as shown on the Master Plan.
- B. In order to protect abutting land on the periphery of the planned neighborhood development project, the following rules shall control:
  - (1) Where the adjacent land is zoned R-1, R-2 or R-3, the planned neighborhood development shall provide for single-family development to a depth of not less than 360 feet along said boundary so as to make this area conform to the abutting one-family area; provided that this three-hundred-sixty-foot depth may be penetrated by an elementary school site, park, golf course, or other related open space which is recorded in perpetuity for said purpose. The only building permitted in this 360 feet shall be a one-family residence. The balance of the site may have residential housing types intermixed.  
[Amended 7-17-2000 by Ord. No. 268]
  - (2) The three-hundred-sixty-foot single family requirement of Subsection **B(1)** above may be waived by the Planning Commission where the abutting land is not platted and if the Commission determines that there is a reasonable basis for believing that the adjacent land may be developed in other than single-family usage, either because the Master Plan indicates other than single-family or because there is good reason to believe that said adjacent land may be also developed as a planned neighborhood development in the reasonable future, and the conditions of the land at said boundary indicate that multiple-family development would preserve the natural terrain and vegetation to a greater extent than single-family along this common boundary.
- C. Private common open space shall be provided on the basis of at least 15% of the total acreage of the planned neighborhood development, provided that, if a golf course is provided in the development, at least 7 1/2% of the total land area must be put in open space other than golf course. No yard requirements for either single-family or multiple-family units shall count as part of this open space requirement. The common open space shall be centrally located as one site or shall be well spaced throughout the development. A maximum of 50% of the horizontal surface of all natural or man-made bodies of water located entirely within the planned neighborhood development project shall be permitted to be computed as a portion of the required fifteen-percent common open space.
- D. All yards, height, bulk, minimum floor area, lot coverage, lot area and lot width requirements for single-family development shall be in conformance with Article **16, Schedule of Regulations**, unless otherwise modified by this chapter.

## § 480-23. Submittal, review and approval.

[Amended 7-17-2000 by Ord. No. 268]

Development permitted in this district shall be considered as an option to the development standards permitted under Article **16, Schedule of Regulations**, and shall be mutually agreeable to the developer and the Township Board. Development under this option shall be in accordance with a comprehensive physical development plan establishing functional use areas, density patterns, and a

fixed system of residential collector streets and pedestrian paths, so that the development will be in keeping with the physical character of the Township and the area surrounding the proposed development. Any person owning or controlling a sufficient land area zoned R-1, R-2, R-3 or RM-1 or RM-2 may make application for consideration of a planned neighborhood development. The applicant shall be required to submit the following materials to the Township:

A. Submittal of proposed plan. A presentation shall be made of the following:

- (1) A boundary survey and computation of the area proposed for development of the exact acreage being requested, prepared, and certified by a registered land surveyor or civil engineer (scale: one inch equals 200 feet).
- (2) A topography map drawn with a contour interval not greater than two feet. This map shall indicate all major stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography, or similar conditions (scale: one inch equals 200 feet).
- (3) A current aerial photograph of the area shall be provided (scale: one inch equals 200 feet).
- (4) A preliminary plan for the entire planned neighborhood development area carried out in such detail as to indicate the functional uses and dwelling unit types being requested; the proposed population densities; a major thoroughfare and traffic circulation plan; the public utility plan; sites being reserved for churches, schools, service activities, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used for the public or by residents of the planned neighborhood development (scale: one inch equals 200 feet).
- (5) An indication of the contemplated stormwater and sanitary utility plan and a preliminary topographic map indicating how the land area is to be shaped.
- (6) A written statement explaining in detail the full intent of the sponsor, indicating the type of dwelling units contemplated, resultant population, expected number of elementary school children, and providing supporting documentation such as, but not limited to, soil surveys, market studies, supporting land use requests, and the intended scheduling of the development.

B. Planning Commission review of plan. Upon receipt of an application, the Township Board shall refer such request to the Planning Commission for its review and recommendation. In its review, the Planning Commission shall consider the following:

- (1) All applicable provisions of this section and this chapter have been met. Insofar as any provision of this section shall be in conflict with the provisions of any other section of this chapter, the provisions of this section shall apply to the lands embraced within a planned neighborhood development area.
- (2) Adequate areas have been provided for all utilities, schools, walkways, playgrounds, recreational areas, parking areas, and other open spaces and areas to be used by the public or by residents of the community.
- (3) There is or will be at the time of development an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and stormwater drainage system is adequate.
- (4) The plan provides for an efficient, aesthetic, and desirable use of the open areas and the plan is in keeping with the physical character of the Township and the area surrounding the development.
- (5) The applicant has made provision to assure that those areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Commission may require that conveyances or other documents be placed in escrow to accomplish this.

- (6) Provisions, satisfactory to the Commission, have been made to provide for the financing of any improvements shown on the plan for open space areas and common use areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the Commission.
- (7) The cost of installing all streets and the necessary utilities has been assured by a means satisfactory to the Commission. Upon finding that the conditions outlined above in Subsections **B(1)** through **(6)** have been satisfactorily met, the Planning Commission shall forward its report and recommendation to the Township Board.

C. Approval of PND.

- (1) Upon receipt of the report and recommendation of the Planning Commission, and after holding a public hearing, the Township Board shall, by resolution, either approve or disapprove of the plan. Approval shall be granted only upon the Board determining that all provisions of this chapter have been complied with and that the proposed development will not adversely affect the public health, welfare, and safety.
- (2) Because the PND is a zoning district, approval by the Township Board of a PND plan shall be immediately followed by a reclassification of all land within the proposed area to a PND zoning classification.
- (3) Once an area has been included within a plan for planned neighborhood development and such plan has been approved by the Township Board, no development may take place in such area nor may any use thereof be made except in accordance with the plan approved or in accordance with a Township Board approved amendment thereto.

D. Submission of final plats and site plans.

- (1) Within a period of two years following approval by the Township Board, final site plan and plats for the entire area embraced within the area approved for development under this section by the Township Board must be submitted and approved. If final site plan and plats are not submitted and approved during this two-year period, the right to develop under the approved plan shall terminate and a new application must then be filed and processed.
- (2) Before any building permit shall be issued for buildings and structures within the area of planned neighborhood development, a final plan shall be submitted to the Township Board for review and recommendation by the Planning Commission of the following:
  - (a) A detailed site plan, fully dimensioned, showing a fully scaled plan view of all buildings, all public road rights-of-way and private streets, areas within each zoning district, and the proposed ultimate density thereof, parking areas, utilities, churches, schools, and areas to be set aside for the use of the public or by residents within the development at a scale of no smaller than one inch equals 50 feet.
  - (b) The proposed topography (contour interval not greater than two feet) shall be superimposed on all site plans (scale: one inch equals 50 feet).
  - (c) Floor plans typical of all residential buildings, except detached single-family, shall be submitted and the site plan shall indicate which floor plan is applicable to each such building.
  - (d) Each final plat or site plan submitted within the planned neighborhood development shall, either individually or in combination with previously approved contiguous project areas, meet the standards of this section as to density, open space requirements, and housing mixture requirements.

E. Approval of final plats and site plans.

- (1) Review and approval of site plans shall comply with § **480-72**, Site plan review, of this chapter. In addition to the requirements of this chapter, review and approval of plats shall

comply with the Land Division Act (MCLA § 560.101 et seq.), and Chapter **400**, Subdivision of Land, Article I, Subdivision Regulations.

[Amended 4-19-2004 by Ord. No. 285]

- (2) Approval of each project area shall be effective for a period of three years. If development is not completed in this period, further submittals under this planned neighborhood development option shall cease until the project in question is completed or cause can be shown for not completing same. In reviewing and approving the final plans, the following conditions shall be set forth:
- (a) Approval shall only be granted by the Township Board after review and recommendation by the Planning Commission. Public hearings shall not be required.
  - (b) A dedication of all public roads shall be made so as to cause continuity of public access between any adjacent major thoroughfares and to effectuate ingress and egress to all areas of the development within the plan.
  - (c) Before approving the final plan, the Board shall determine:
    - [1] That all areas shown upon the comprehensive plan for the entire planned neighborhood development area for use by the public or the residents of lands within the planned neighborhood development area have been irrevocably committed to such uses by dedication, restrictive covenants, contract, or in some other manner satisfactory to the Township Board as recommended as to form and content by the Township Attorney.
    - [2] That the final plan is in general conformity with the original plan previously approved.
  - (d) Provisions, satisfactory to the Township Board, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
  - (e) Proceeding with a planned neighborhood development shall only be permitted if it is mutually agreeable to the Township Board and the developer or sponsor.

## Article 7. MHP Mobile Home Park Districts

### § 480-24. Purpose.

The MHP Mobile Home Park Districts possess site development characteristics similar to multiple-family residential development. They are, in this chapter, designed to provide for transition between nonresidential development and multiple-family residential development.

### § 480-25. Principal uses permitted.

In a MHP Mobile Home Park District, no building or land shall be used and no building shall be erected except for uses provided in this chapter and further subject to the following:

- A. The regulations and standards as provided for and promulgated under the Mobile Home Commission Act, Act No. 96, PA 1987 (MCLA § 125.2301 et seq.), as amended, shall apply and control in all MHP Mobile Home Park Districts.  
[Amended 4-19-2004 by Ord. No. 285]
- B. All uses proposed in a MHP District shall be subject to the review and approval of a site plan by the Planning Commission.

- C. All uses proposed in a MHP District shall be subject to the provisions of Article 19, General Provisions, of this chapter.

## Article 8. OS-1 Office Service Districts

### § 480-26. Purpose.

The OS-1 Office Service Districts are designed to accommodate office uses, office sales uses, and certain basic personal services. These use districts, when not part of a shopping center or other business district, are intended to serve the function of land use transition between business districts and adjacent residential districts.

### § 480-27. Principal uses permitted.

The following regulations shall apply in all OS-1 Districts, and no building, structure or premises except as otherwise provided in this chapter shall be erected, altered, or used except for one or more of the following uses:

- A. Professional offices.  
[Amended 1-7-2013 by Ord. No. 308]
- B. Medical offices, including clinics.
- C. Banks, credit unions and savings and loan associations.
- D. Art shops, photographic studios, and interior decorating studios.
- E. Publicly owned buildings, public utility exchanges, and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations.
- F. Personal services establishments, including barbershops, beauty shops and health salons.
- G. Other uses similar to those listed above.
- H. Accessory structures and uses customarily incident to any of the above uses.

### § 480-28. Accessory uses permitted subject to conditions.

Business uses such as pharmacies, stores which supply corrective garments or bandages, optical services, office supplies and office service establishments shall be permitted subject to the following conditions:

- A. Such uses shall be clearly accessory to a principal use or uses permitted in this district.
- B. The floor area devoted to accessory business uses shall be no greater than 10% of the usable floor area devoted to office use on the zoning lot.

### § 480-29. Required conditions.

- A. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25% of the usable floor area of either the first or second story, or in the basement.
- B. The outdoor storage of goods or materials shall be prohibited.

- C. Warehousing or indoor storage of goods or materials, beyond that normally incidental to the uses permitted in this article, shall be prohibited.

## Article 9. LB Local Business Districts

[Amended 1-7-2013 by Ord. No. 308]

### § 480-30. Purpose.

The LB Local Business Districts, as herein established, are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. In order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation.

### § 480-31. Principal uses permitted.

The following regulations shall apply in all LB Districts, and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the following uses:

- A. Generally recognized retail business which supplies commodities on the premises, such as but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, or hardware.
- B. Personal service establishments which perform services on the premises, such as but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners dealing directly with the consumer. Central dry-cleaning plants are prohibited
- C. Professional and medical offices.
- D. Governmental office buildings.
- E. Other uses similar to those listed above.
- F. Accessory structures and uses customarily incidental to any of the above uses.

### § 480-32. Uses permitted subject to conditions.

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

- A. Churches.
- B. Fraternities, clubs, lodges, social or recreational buildings or properties not operated for profit.
- C. Nursery schools and day-care centers.
- D. Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards but without storage yards; and water and sewage pumping stations upon the condition that a public hearing is held in accordance with § **480-92**, Public hearings, of this chapter.

### § 480-33. Required conditions.



In addition to other applicable provisions of this chapter, all uses permitted within the LB District must adhere to the following:

- A. All business establishments shall be retail or service establishments dealing directly with consumers.
- B. All goods produced on the premises shall be sold at retail on the premises.
- C. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- D. Outdoor storage shall be prohibited.
- E. Access shall be directly from a major thoroughfare, collector street or internal access road. Access to a minor street is prohibited.

## Article 10. GB General Business Districts

[Amended 1-7-2013 by Ord. No. 308<sup>[1]</sup>]

[1] *Editor's Note: This ordinance also repealed former Art. X, B-2 Community Business Districts, as amended.*

### § 480-34. Purpose.

The GB General Business District as established in this article is intended to permit a wider range of business and entertainment activities than those permitted in the LB Local Business District. This GB District is designed to provide sites for more diversified business types and is located so as to serve passerby, highway-oriented traffic. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such districts with adjacent residential areas. This would also provide suitable locations for those commercial activities which function relatively independent of pedestrian traffic and proximity of other firms.

### § 480-35. Principal uses permitted.

The following regulations shall apply to all GB Districts, and no building, structure, or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following specified uses:

- A. Any retail business or service establishment permitted in LB Districts as principal uses permitted and uses permitted subject to conditions.
- B. Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions; provided further that:
  - (1) Such assembly area shall be provided in addition to any required off-street parking area.
  - (2) A caretaker's residence may be provided within the main building of mortuary establishments.
- C. Fraternities, clubs, lodges, social or recreational buildings or properties not operated for profit.
- D. Automobile service stations, subject to the requirements of § 480-36 of this chapter.
- E. Auto laundries (car wash) when completely enclosed in a building.
- F. Bus passenger stations.
- G. New- and used-car salesroom, showroom, or office.

- H. Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations and service yards, but not including outdoor storage.
- I. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
- J. Business schools and colleges or private schools operated for profit.
- K. Restaurants, or other places serving food or beverage, except those having the character of a drive-in or drive-through.
- L. Other uses similar to those listed above.
- M. Accessory structures and uses customarily incident to any of the above uses.

## § 480-36. Uses permitted subject to conditions.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use:

- A. Outdoor sales space for exclusive sale of new or secondhand automobiles, house trailers, or rental of trailers and/or automobiles, subject to the following:
  - (1) The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  - (2) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
  - (3) Display of vehicles is, for the purposes of this chapter, an accessory use. Such use may be permitted within a front yard except that a twenty-foot landscaped open space shall be provided between any street and the display area.
- B. Motels or hotels, subject to the following conditions:
  - (1) Ingress and egress shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
  - (2) Each unit shall contain no less than 200 square feet of floor area.
  - (3) No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
- C. Business in the character of a drive-in, or so-called open storefront, subject to the following conditions:
  - (1) A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
  - (2) Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
  - (3) A minimum of five vehicle stacking spaces shall be provided per drive-through lane with a minimum of three following the location that orders are taken. Stacking lanes shall have a minimum width of eight feet and shall not conflict with parking or ingress and egress drives. The length of one stacking space is 20 feet. Stacking shall not be permitted within a required front yard.
- D. Veterinary hospitals or clinics, subject to the following conditions:
  - (1) All activities shall be conducted within a totally enclosed building unless an outdoor exercise location is designated on the plan and approved by the Planning Commission. Such area shall be enclosed with a fence and shall be screened from neighboring properties.

- (2) Abutting or adjacent property is zoned LB, GB, OS-1, IRO, I-1, or I-2 District.
- E. General automotive repair when the following conditions are met:
- (1) All activities shall be conducted within a completely enclosed building.
  - (2) Outside storage of vehicles or parts must be completely screened in accordance with § 480-64, Obscuring walls and landscaped berms.
  - (3) No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.
- F. Mini storage buildings, with limited access to the building from outside, when the following conditions are met:
- (1) Doors providing access to individual storage units shall not be permitted on the front yard side of the building, nor on any side abutting a public street, a residential district or the residential portion of a PND.
  - (2) Building facades adjacent to a residential district, the residential portion of a PND or a public street shall be of the same finish material and be similar in appearance to the facade of the building abutting the front yard.
  - (3) Vehicular aisles providing access to units on both sides of the aisles, whether interior or exterior, shall be not less than 30 feet wide.
  - (4) Aisles providing access to units on only one side of the aisle shall be not less than 20 feet wide, provided that there is more than one aisle available for circulation around a building. If there is only one aisle, the aisle shall be not less than 30 feet wide.
  - (5) All aisles and surfaces available to vehicles shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township.
  - (6) There shall be no outdoor storage and no storage of hazardous, toxic or volatile substances.
  - (7) The maximum percentage of the zoning lot area covered by buildings shall be 50%.
  - (8) For any building facade that exceeds 200 feet in length, the setback of that portion of the building shall be increased by an additional one foot for each 10 feet of length, provided that, if greater setbacks are required by other sections of this chapter, the greater setback shall be provided.
- G. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.

## Article 11. MC Medical Campus Districts

### § 480-37. Purpose.

The Medical Campus District is intended to allow for the continuation and flexible expansion of a hospital and its associated uses in a planned and coordinated manner. Flexibility is essential to allow existing and future uses to respond and adapt to changes in technology, the medical profession, and society as a whole. The primary use in the medical campus district is a hospital or hospitals. Related uses may be located within the hospital building or as independent uses within the district but should be served by an internal network of pedestrian and vehicular circulation systems.

### § 480-38. Principal uses permitted.

The following regulations shall apply in all MC Districts, and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following uses:

- A. Professional and medical offices, including but not limited to offices of optometrists, dentists and orthodontists.
- B. Pharmacies, stores which supply corrective garments or bandages, and similar uses.
- C. Banks, credit unions, savings and loan associations, and similar uses.
- D. Florists.
- E. Personal services establishments including but not limited to barbershops, beauty shops and health salons.
- F. Fitness centers.
- G. Other uses similar to those listed above.
- H. Accessory structures and uses customarily incident to any of the above uses.

### § 480-39. Uses permitted subject to conditions.

- A. Hospitals.
  - (1) The proposed site shall have at least one property line abutting a major thoroughfare as designated on the Major Thoroughfare Plan. All ingress and egress to off-street parking areas, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare or internal access road.
  - (2) The minimum distance of any main or accessory building from bounding lot lines or major street rights-of-ways shall be at least 100 feet for front, rear, and side yards for all structures with two stories or less. For every story above two, the minimum yard distance shall be increased by a minimum of 10 feet.
- B. Independent and dependent housing for the elderly subject to the following conditions:

	<b>Independent</b>	<b>Dependent</b>
<b>Density</b>	<b>12 units/acre</b>	<b>20 units/acre</b>
Minimum usable floor area		
1 bedroom	500 sq. ft.	350 sq. ft.
2 bedroom	600 sq. ft.	450 sq. ft.
Maximum building height	42 ft.	42 ft.
Setbacks		
Front	50 ft.	50 ft.
Side	25 ft.	25 ft.
Rear	25 ft.	25 ft.
Yards abutting residential districts	75 ft.	75 ft.
Street yards	50 ft.	50 ft.
Landscaped outdoor garden	10% of lot or 0.05 acre/unit, whichever is greater	
Off-street parking		
Residents	1.00 space/unit	0.50 space/unit

	<b>Independent</b>	<b>Dependent</b>
<b>Density</b>	<b>12 units/acre</b>	<b>20 units/acre</b>
Guests	0.25 space/unit	0.25 space/unit

- C. Convalescent homes, not to exceed a height of two stories, when the following conditions are met:
- (1) The site shall consist of at least three acres of land.
  - (2) Lot coverage shall not exceed 25%.
  - (3) No building shall be closer than 20 feet from any property line and no closer than 50 feet from any road right-of-way.
- D. Child day-care centers, provided that, for each child so cared for, there is provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a total minimum area of at least 5,000 square feet, and shall be fenced or screened from any adjoining residential land with planting.
- E. Places of worship when the following conditions are met:
- (1) The height of the main building is unlimited. However, the building shall be limited to 2 1/2 stories.
  - (2) Accessory buildings shall be limited to a height of 15 feet and one story.
  - (3) The site and all vehicular access shall have direct access to a major thoroughfare or internal drive.

## § 480-40. Required conditions.

- A. A total of 10% of each site within the district shall be devoted to landscaped outdoor open space. If significant natural features exist on site, their preservation can be used to fulfill the requirement of landscaped open space, except that the percent of the site devoted to landscaped open space cannot be reduced.
- B. Pedestrian connections via sidewalks or paved paths shall be provided throughout the district. Each site shall include a portion of the system linking the buildings or uses and open space areas.
- C. The Planning Commission may waive or modify any requirement of this zoning district and may also require more stringent controls to assure that any proposed use does not negatively impact adjacent areas. Whenever a relaxation of a standard is requested, a public hearing shall be held in accordance with § 480-92, Public hearings.

## Article 12. IRO Industrial Research Office Districts

### § 480-41. Purpose.

The IRO Industrial Research Office Districts are designed to provide for uses which are office or research-type or industrial uses which have limited impact outside of the industrial building. The district is intended to encourage uses which have a high value per acre of land that will supplement the Township's tax base.

### § 480-42. Principal uses permitted.

In an IRO Industrial Research Office District, no land or building shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- A. Any use charged with the principal function of basic research, design, and pilot or experimental product development.
- B. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales.
- C. Banks, credit unions, savings and loan associations.
- D. Industrial production of any of the following industrial uses when conducted wholly within a completely enclosed building:
  - (1) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, pharmaceuticals, toiletries and food products.
  - (2) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, glass, paper, plastics, shell, textiles and wax.
  - (3) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - (4) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products.
  - (5) Manufacture or assembly of small electrical appliances, electronic instruments and devices, radios and phonographs.
  - (6) Laboratories: experimental, film or testing.
- E. Gymnasiums, health clubs, or fitness/exercise centers; indoor archery ranges, tennis courts, or skating rinks; and similar forms of indoor commercial recreation.
- F. Municipal buildings and uses.
- G. Other uses similar to those listed above.
- H. Accessory structures and uses customarily incident to any of the above uses.

## § 480-43. Required conditions.

- A. The outdoor storage of goods or materials shall be prohibited except that the growing of any vegetation requisite to conducting basic research shall be excluded from the requirement of enclosure.
- B. A six-foot-high landscaped berm shall be provided where an IRO District abuts a residential district.
- C. Setbacks required to an abutting residential district shall be 100 feet for buildings and 50 feet for off-street parking.
- D. In any yard abutting a street, a greenbelt with a minimum width of 25 feet shall be provided. A berm not less than three feet high and constructed within the greenbelt area shall be provided.

## Article 13. I-1 Industrial One Districts

### § 480-44. Purpose.

The I-1 Industrial One Districts are designed to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material, it being the intent of this section that the processing or manufacturing from raw materials not be permitted. The general goals of this use district include, among others, the following specific purposes:

- A. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses;
- B. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development;
- C. To encourage manufacturing development and warehousing which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, and other objectionable nuisances;
- D. To promote the most desirable use of land in accordance with a well considered plan;
- E. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.

## § 480-45. Principal uses permitted.

In an I-1 Industrial One District, no land or building shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- A. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- B. Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- C. Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six-foot-high fence or solid wall. Said fence or wall shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential use.
  - (1) Warehousing and wholesale establishments, and trucking facilities;
  - (2) The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops;
  - (3) The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings, such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns;
  - (4) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;

- (5) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products;
  - (6) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs;
  - (7) Laboratories: experimental, film, or testing;
  - (8) Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
  - (9) Automobile or truck repair facilities, provided that no outdoor storage of scrap, junk cars, junk trucks, spare parts or dismantled vehicles shall be permitted.  
[Added 1-5-2009 by Ord. No. 299]
- D. Mini storage buildings when the following conditions are met:  
[Added 10-20-2003 by Ord. No. 281]
- (1) Doors providing access to individual storage units shall not be permitted on the front yard side of the building.
  - (2) Vehicular aisles providing access to units on both sides of the aisle, whether interior or exterior, shall be not less than 30 feet wide.
  - (3) Aisles providing access to units on only one side of the aisle shall be not less than 20 feet wide, provided that there is more than one aisle available for circulation around a building. If there is only one aisle, the aisle shall be not less than 30 feet wide.
  - (4) All aisles and surfaces available to vehicles shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township.
  - (5) There shall be no outdoor storage and no storage of hazardous, toxic or volatile substances.
  - (6) The maximum percent of the zoning lot area covered by buildings shall be 55%.
- E. Other uses similar to those listed above.
- F. Accessory structures and uses customarily incident to any of the above uses.

## Article 14. I-2 Industrial Two Districts

### § 480-46. Purpose.

The I-2 Industrial Two District is designed primarily for manufacturing, assembling, and fabrication activities, including large-scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semifinished or finished products from raw materials.

### § 480-47. Principal uses permitted.

In an I-2 Industrial Two District, no land or building shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- A. Any use permitted in an I-1 District.
- B. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which shall not be injurious or offensive to the occupants of adjacent premises by reason



of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat.

- C. Undercoating shops, lumber and planing mills and metal plating, buffing, and polishing uses.
- D. Storage tanks, both aboveground and underground.
- E. Electric and gas service buildings and yards.
- F. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
- G. Water supply and sewage disposal plants.
- H. Railroad transfer and storage tracks.
- I. Warehouses.
- J. Freight terminals.
- K. Stamping plants.
- L. Other uses similar to those listed above.
- M. Accessory structures and uses customarily incident to any of the above uses.

## § 480-48. Uses permitted subject to special conditions.

- A. Junkyards or automobile or truck repair, provided the following conditions are met:  
[Amended 1-5-2009 by Ord. No. 299]
  - (1) Such uses must be entirely enclosed within a building or within an eight-foot solid masonry or brick obscuring wall.
  - (2) There shall be no burning on the site.
  - (3) All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- B. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, subject to the following conditions:
  - (1) Such use shall be enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare.
  - (2) The extent of such fence or wall may be determined by the Planning Commission on the basis of usage.
  - (3) Such fence or wall shall not be less than five feet in height and may, depending on land usage, be required to be eight feet in height. A chain-link-type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.
- C. Heating and electric power generating plants subject to the following conditions:
  - (1) All outside storage shall be completely screened from adjacent roads or residential districts with landscape berms.
  - (2) A public hearing shall be held in accordance with § 480-92, Public hearings, of this chapter.  
[Amended 10-20-2003 by Ord. No. 280]

## Article 15. P-1 Vehicular Parking Districts

## § 480-49. Purpose.

The P-1 Vehicular Parking Districts are intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities. The following regulations shall apply to all P-1 Districts.

## § 480-50. Permitted use.

In the P-1 Districts, off-street vehicular parking is the only permitted use. Such parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day, and shall not be used as an off-street loading area.

## § 480-51. Required conditions.

- A. Applications for P-1 District zoning shall be made to the Planning Commission by submitting a dimensional layout of the area requested showing the intended parking plan.
- B. The parking area shall be accessory to, and for use in connection with, one or more businesses or industrial establishments located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
- C. Such parking lots shall be contiguous to an LB, GB, MC, IRO, OS-1, I-1 or I-2 District. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and above listed districts.  
[Amended 1-7-2013 by Ord. No. 308]
- D. Where a P-1 District abuts a residential district, the following regulations apply:
  - (1) Where the P-1 District abuts the side and/or rear lot lines of premises within a residentially zoned district, the required wall shall be located along said lot line.
  - (2) Where the P-1 District abuts a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of 25 feet, or whichever is the greater. The required wall shall be located on this minimum setback line.
- E. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- F. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
- G. No building, other than those for shelter of attendants, shall be erected upon the premises. Permitted shelters shall not exceed a height of 15 feet.

## Article 16. Schedule of Regulations

### § 480-52. Schedule of Regulations.

The **Schedule of Regulations** is included at the end of this chapter.

# Article 17. Off-Street Parking and Loading

## § 480-53. Off-street parking requirements.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- A. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of § 480-61, Accessory buildings and structures, of this chapter.
- B. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- C. Required parking spaces for two or more buildings or uses may be provided within a common parking area. However, in such cases the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. The Board of Appeals may allow a reduction in the required number of parking spaces where operating hours of uses do not overlap.
- D. For the purpose of computing the number of parking spaces required, the definition of “usable floor area” in § 480-5, Definitions, shall govern.
- E. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded, and fractions over 1/2 shall require one parking space.
- F. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers is similar in type.
- G. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- H. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- I. Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- J. Off-street parking may be permitted in a side or rear yard unless otherwise provided in this chapter.
- K. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:  
[Amended 11-15-2021 by Ord. No. 323]

<b>Type of Use</b>	<b>Minimum Number of Off-Street Parking Spaces</b>
<b>Residential Uses</b>	
Residential, one-family	2 for each dwelling unit
Multiple-family	2 for each dwelling unit containing one 1 bedroom 2 1/2 for each dwelling unit containing 2 bedrooms 3 for each dwelling unit containing 3 bedrooms

<b>Type of Use</b>	<b>Minimum Number of Off-Street Parking Spaces</b>
Mobile home park	2 for each mobile home pad and 1 for each employee of the mobile home park
Family day-care home	2 plus 1 for each nonresident employee
Group day-care home	2 plus 1 for each employee In addition, a designated dropoff area is required
<b>Institutional Uses</b>	
Places of worship	1 for each 3 seats or 6 feet of pew in the main area of worship
Convalescent homes and nursing homes	1 for every 4 persons in residence plus 1 for each employee in the largest working shift
Hospitals/health care centers	1 for each 1 bed
Nursery schools\day-care centers	1 for each 350 square feet of usable floor plus 1 designated off-street loading space for children entering and leaving the facility
Private clubs, or lodges halls	1 per 100 square feet of usable floor area
Private golf clubs, swim clubs, tennis clubs, or other similar uses	1 for every 2 member families or individuals, plus additional spaces for accessory uses
Golf courses open to the general public except miniature courses	6 for each golf hole and 1 for each employee, plus spaces required for each accessory use such as a restaurant or bar
Elementary or junior high schools	1 for each 1 teacher, employee, or administrator plus the requirements for an auditorium or stadium In addition, 5 spaces shall be provided for visitor parking
High schools	1 for each teacher, employee or administrator, and 1 for each 5 students, plus the requirements for an auditorium or stadium In addition, 10 spaces shall be provided for visitor parking
Stadium or sports arenas or similar outdoor place of assembly	1 for each 3 seats or 6 feet of benches
Theaters and auditoriums	1 for each 3 seats plus 1 for every 2 employees
Library, museum or post office	1 for each 150 square feet of usable floor space
<b>Commercial Uses</b>	
Amusement arcade	1 for each 1 game table and 1 for each amusement device
Athletic clubs, exercise establishments, health studios, sauna baths, martial arts studios and other similar uses	1 parking space for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus 1 space per employee In those instances where memberships are provided for, not less than 1 space per each 5 memberships shall be provided, plus 1 space per employee
Auto service stations (full service)	2 for each lubrication stall, rack or pit; and 1 for each gasoline pump stand In addition, parking for accessory uses, such as mini-markets, must be provided

**Type of Use****Minimum Number of Off-Street Parking Spaces**

Auto service stations (self serve)	In addition to space provided for vehicles being fueled, 1 stacking space per fueling station shall be provided. 1 parking space shall be provided for each 50 square feet of usable floor area in the cashier's and office areas. In no instance shall such a facility provide less than 3 parking spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel. In addition, parking for accessory uses, such as mini-markets, must be provided.
Auto wash (automatic).	1 for each 1 employee
Auto wash (self-washing or coin-operated)	3 for each stall in addition to the stall itself
Beauty parlor, barbershop, or salon	3 spaces for each of the first 2 chairs, and 1 1/2 spaces for each additional chair
Bowling alleys	4 for each bowling lane plus parking for accessory uses such as restaurants or bars
Dance halls, roller rinks, exhibition halls and assembly halls without fixed seats	1 for each 3 persons allowed within the maximum occupancy load as established by the fire marshal or health codes
Establishments for sale and consumption on the premises of beverages, food and refreshment	1 for each 50 square feet of usable floor area
Funeral home or mortuaries	1 for each 50 square feet of usable area of assembly room and parlors
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or other similar uses	1 for each 800 square feet of usable floor area. (For that floor area used in processing, 1 additional space shall be provided for each 2 persons employed therein.)
Golf driving range	1 space for each driving tee plus 3 spaces for employees
Hardware stores	1 for each 300 square feet of usable floor area
Laundromats and coin-operated dry cleaners	1 for each 2 machines
Miniature golf courses	2 spaces per hole plus 5 additional spaces to accommodate employees
Motel/hotel, bed-and-breakfast	1 for each occupancy unit, plus 1 for each employee
Motor vehicle sales establishments	1 for each 200 square feet of usable floor area of sales room, plus 1 for each auto service stall in the service room if provided
Pool hall or club	1 for each 3 persons allowed within the maximum occupancy load as established by the Fire Marshal
Restaurants, carry-out (with no eating on premises)	1 for each employee and 1 for each 60 square feet of usable floor area with a minimum of 4 spaces
Restaurants, drive-in	1 for each employee and 1 for each 25 square feet of usable floor area
Retail stores except as otherwise specified herein	1 for each 250 square feet of usable floor area
Self-storage rental	1 space for each employee and 1 space for each 50 storage rental units

<b>Type of Use</b>	<b>Minimum Number of Off-Street Parking Spaces</b>
Shopping centers and super markets Mini storage buildings [Added 10-20-2003 by Ord. No. 281]	1 for each 100 square feet of usable floor area 1 space for each 30 units that do not have direct access from outside the building or directly from a vehicular aisle within the building, and 3 for the office or residence, and 1 for each employee
<b>Office Uses</b>	
Banks	1 for each 100 square feet of usable floor space, including employee working space
Business or professional offices	1 for each 200 square feet of usable floor area
Offices of doctors, dentists, or similar professions	1 for each 25 square feet of usable floor area in waiting rooms and 1 for each examining room, dentist chair, office, or similar use area
<b>Industrial Uses</b>	
Industrial or research establishments	5 plus 1 for every 1 1/2 employees in the largest working shift. Space shall also be provided for all construction workers during periods of plant construction.
Wholesale establishments	5 plus 1 for every 1 employee in the largest working shift, or 1 for every 1,700 square feet of usable floor area, whichever is greater

## § 480-54. Parking space layout, construction and maintenance.

Whenever an off-street parking facility is required or proposed, including those within P-1 Vehicular Parking Districts, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

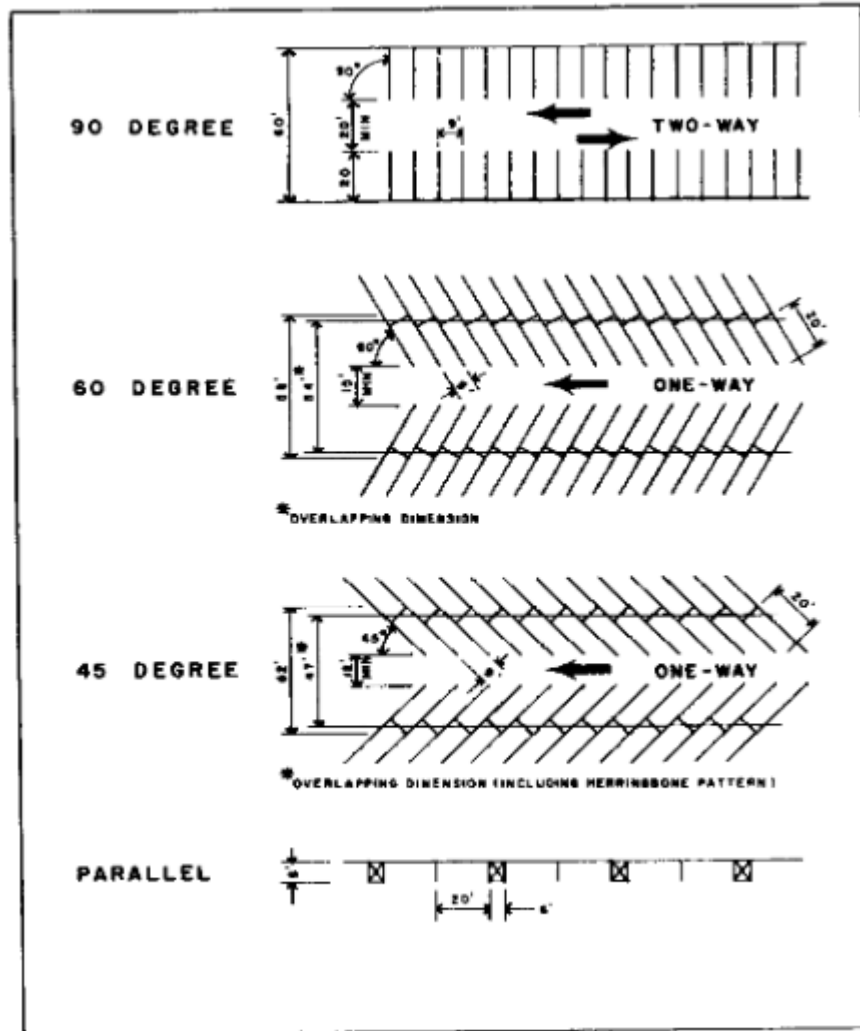
- A. No parking lot shall be constructed unless and until a permit therefor is issued by the Building Official. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Official and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- B. Ingress and egress.
  - (1) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
  - (2) Ingress and egress to a parking lot lying in an area zoned for other than one-family residential use shall not be across land zoned for one-family residential use.
  - (3) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than one-family residential use shall be at least 25 feet distant from adjacent property located in any one-family residential district.
  - (4) The Planning Commission shall have full power to regulate and determine the places of ingress and egress so that traffic on the streets and highways in the Township shall be controlled, regulated and coordinated and to require the installation and maintenance of suitable barriers to insure the safety of pedestrians passing any such parking lot, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required by the City shall be established and maintained by the owner or lessee of the parking lot.

- C. In all cases where a wall extends to an alley which is a means of ingress to an off-street parking area, it shall be permissible to end the wall not more than 10 feet from such alley line in order to permit a wider means of access to the parking area.
- D. The layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern (degrees)	Aisle Width* (feet)	Parking Space Length (feet)	Parking Space Width (feet)	Total Width of	
				One Tier of Spaces + Aisle (feet)	Total Width of Two Tiers of Spaces + Aisle (feet)
0° (parallel)	12	23	8	28	36
30° to 53°	12	20	8.5	32	52
54° to 74°	15	20	8.5	36	58
75° to 90°	20	20	9	40	60

\*NOTE: The required aisle width may be reduced by not more than four feet, provided that the depth of each parking space shall be increased by a dimension not less than the reduction of the aisle width for that portion of the parking area so reduced.

- E. Off-street parking areas shall be provided with a continuing obscuring wall as specified in § **480-64**, Obscuring walls and landscaped berms. Upon application by the property owner of the off-street parking area, the Planning Commission may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.



- F. When a front yard setback is required, all lands between a required wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- G. Maneuvering lanes.
- (1) All spaces shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
  - (2) All maneuvering lane widths shall permit one-way traffic movement, except that the ninety-degree pattern may permit two-way movement.
- H. The Planning Commission may require the joining of parking lots in adjacent parcels in order to reduce the number of curb cuts onto a public street and to facilitate movement between sites.
- I. Construction standards.
- (1) Except for single-family residences, the entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township Engineer. The parking area shall be surfaced within one year of the date the permit is issued. Time extensions due to earth settlement problems may be approved by the Board of Appeals.
  - (2) Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or



toward buildings.

- (3) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

## § 480-55. Off-street loading and unloading.

On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- A. All loading spaces shall be provided as required in Article **16, Schedule of Regulations**, footnote after minimum rear yards, except as hereinafter provided for in I-1 and I-2 Districts.
- B. Within any LB or GB District, off-street loading space shall be provided in the rear yard only and in the ratio of at least 10 square feet per front foot of building. In exceptional instances such space may be permitted in an interior side yard with approval of the Planning Commission, provided that such location is necessitated by the site conditions and provided that the area is screened from view from any public street.  
[Amended 1-7-2013 by Ord. No. 308]
- C. Within any IRO, I-1 or I-2 District, off-street loading shall be provided as follows:
  - (1) All spaces shall be laid out in the dimension of at least 10 feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height unless otherwise specified.
  - (2) All spaces in IRO, I-1 and I-2 Districts shall be provided in the ratio of space to floor area as follows:

**Gross Floor Area**

**(square feet)**

**Number of Loading Spaces Required**

0 to 1,400

1 space (9 x 20)

1,401 to 20,000

1 space

20,001 to 100,000

1 space, plus 1 space for each 20,000 square feet in excess of 20,001 square feet

100,000 to 500,000

5 spaces, plus 1 space for each 40,000 square feet in excess of 100,001 square feet

## Article 18. Nonconforming Situations

### § 480-56. Intent.

- A. It is recognized that there exists within the districts established by this chapter and subsequent amendments lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended, which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved.
- B. It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- C. Expanding nonconforming uses prohibited. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- D. Construction prior to adoption excluded. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on.
  - (1) "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner;
  - (2) Except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

## § 480-57. Nonconforming lots.

- A. In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a one-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or widths, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. The following side yard requirements shall prevail to a piece or parcel of land platted and identified as a single unit on a plat officially approved and recorded prior to the effective date of this chapter:
  - (1) For lots of record 55 to 65 feet wide, the combined side yards shall have a total width of not less than 16 feet with a minimum side yard of six feet on one side.  
[Amended 1-7-2013 by Ord. No. 308]
  - (2) For lots of record 50 to less than 55 feet in width, the combined side yard shall be 14 feet with a minimum of five feet on the side.
  - (3) For lots of record 45 to less than 50 feet in width, the combined side yard shall be 12 feet with a minimum of four feet on one side.
  - (4) For lots of record 40 to less than 45 feet in width, the combined side yard shall be 10 feet six inches with a minimum of three feet on one side.
  - (5) For lots of record 35 to less than 40 feet in width, the combined side yard shall be eight feet with a minimum of three feet on one side.
  - (6) Any lots of record less than 35 feet in width shall have a three-foot minimum side yard on each side.
- B. Residential lots of record on the date of adoption of this chapter and having double frontage, or being a through lot as defined in Article 2, Construction of Language and Definitions, and with a depth of 350 feet or more, shall be permitted to be divided into two lots split through their present depth, providing minimum lot area requirements for the zoning district are maintained and rights to sewer connection are provided.

## § 480-58. Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. Moving of use. 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 chapter.
- C. Loss of nonconformance status. If such nonconforming use of land ceases for any reason for a period of more than three months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

## § 480-59. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Reconstruction after destruction. Should such structure be destroyed by any means to an extent of more than 60% of the assessed value of the building, exclusive of the foundation, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. [Amended 6-2-2008 by Ord. No. 298]
- C. Removal from foundation. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

## § 480-60. Nonconforming use of structures and land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located, unless it can be conclusively shown to the Board of Appeals that such enlargement, expansion, or extension will substantially improve the use and the environment of abutting uses, and will not be cause for making abutting properties unusable as zoned. In granting this approval, the Board of Appeals shall impose the following conditions:
  - (1) Consider future plans and impact on area. The Board of Appeals shall request, obtain and duly consider an opinion from the Planning Commission as to current and long-range planning proposals for the site and the surrounding area. The Commission shall also indicate the potential impact the proposed development may have on future plans and the development of the area and the Township at large.
  - (2) Require single ownership and control. The expansion shall represent an enlargement of an existing building or a separate freestanding building, provided that, in the case of the latter,

- the complex shall be under a single ownership and control, and dealing in interrelated and interdependent commodities. It is the intent herein not to permit the development of several plants, separately owned.
- (3) Allow horizontal expansion only. The enlargement shall be in the nature of a horizontal expansion and shall not permit vertical expansion to an existing structure.
  - (4) The expansion shall be for an existing use and shall not be made for a potential new use.
  - (5) Permit development without adverse effects. The site shall be of such size, shape and location that would permit it to accommodate the proposed development without adversely affecting the use and/or development of other properties in the Township. To this end the Board of Appeals shall consider the size and location of all principal and accessory buildings and uses on the site, the nature of the operation in terms of use activities, noise, odors, dust, lights, fumes, hours of operation, traffic, and other reasonable and applicable development concerns. Existing and proposed activities shall not adversely affect the general public health, safety or welfare of adjacent properties of the Township at large.
  - (6) Comply with applicable Township laws. In addition, the proposed alterations shall comply with all other applicable Township codes and ordinances and shall not serve to effectively prolong the life of a nonconforming use beyond its normal expected life. Therefore, any such approval shall not constitute a rezoning of the property in further violation of this chapter and Master Plan.
  - (7) Require adequate setbacks and buffers. The Board of Appeals shall require adequate yard setbacks, berms, walls, or greenbelts to buffer said expansion from abutting uses. Said buffers shall be constructed in keeping with the standards set forth in § **480-63**, Landscaping, and § **480-64**, Obscuring walls and landscaped berms.
- B. Extension of use throughout building. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- C. Change to more restrictive use class. In any Business or Industrial District, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.  
[Amended 1-7-2013 by Ord. No. 308]
- D. Switch to permitted use irreversible. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. Nonconformance discontinued. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- F. Removal or destruction of structure.

- (1) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
  - (2) Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 60% of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.  
[Amended 6-2-2008 by Ord. No. 298]
  - (3) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- G. Special exception not nonconforming use. Any use for which a special exception or modification of the standards of this chapter is permitted, as provided in this chapter, shall not be deemed a nonconforming situation, but shall without further action be deemed conforming.
- H. Change of tenancy or ownership. There may be a change of tenancy, ownership or management of any existing nonconforming use of land, structures and premises, provided there is no change in the nature or character of such nonconforming use.
- I. Purchase or condemnation by Township.
- (1) For the removal of nonconforming uses. The Township may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses.
  - (2) Cost and expense of acquisition. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the Township.
  - (3) Basis for elimination. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use.
  - (4) Condemnation under eminent domain. The Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of 1911, as amended, MCLA § 213.21 et seq., or other applicable statute.  
[Amended 4-19-2004 by Ord. No. 285]

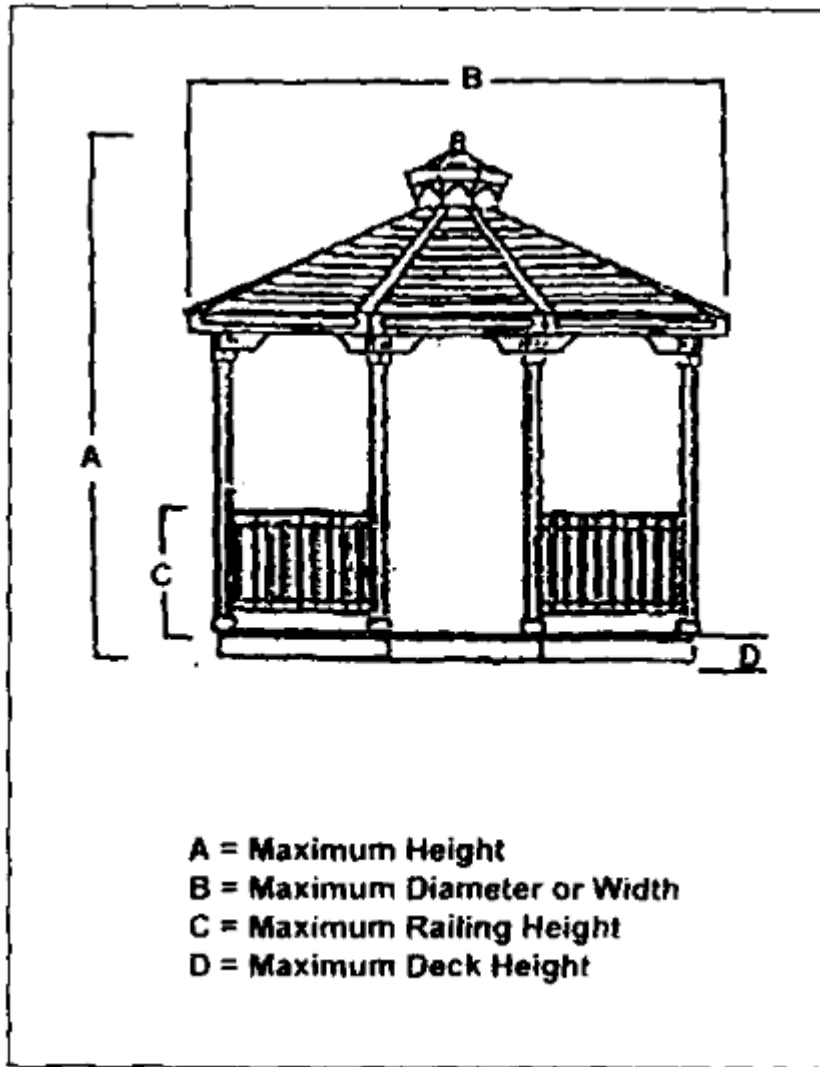
## Article 19. General Provisions

### § 480-61. Accessory buildings and structures.

- A. Each residential lot shall be allowed no more than one private garage, either attached or detached, and one accessory building.  
[Amended 10-20-2003 by Ord. No. 280; 12-20-2010 by Ord. No. 305]
- (1) In addition, one gazebo may be erected on each residential lot subject to the following conditions:
    - (a) The maximum height of such gazebo shall be no greater than 14 feet measured to the peak of the roof when such structure is attached directly to the ground and no more than 12 feet when mounted upon a deck, patio, terrace or other such structure. Height shall be

measured from the average grade along the building face opposite and generally parallel to the river or canal frontage.

- (b) The maximum diameter or width of the structure shall be no greater than 13 feet, not to exceed 170 square feet.
  - (c) Railings shall be no greater than 36 inches above the surface of the deck and must encircle the entire gazebo except for doorway openings. No more than two doorway openings may be provided.
  - (d) The surface of the deck shall be no greater than 10 inches above grade.
  - (e) Storage shall not be permitted.
  - (f) Gazebos shall be open and unenclosed except that gazebo openings may be screened.  
[1]  
[1] *Editor's Note: Former Subsection A(1)(g), which stated that the surface of the deck of a gazebo shall be no greater than 10 inches above the grade, was repealed 12-20-2010 by Ord. No. 305.*
- (2) Review and approval of gazebos in accordance with the above standards shall be the purview of the Building Official. The Zoning Board of Appeals (ZBA) may grant an exception to allow the approval of a gazebo that does not meet the minimum requirements outlined above. In its review of a request to construct such a gazebo, the ZBA may impose restrictions to height, location, area, and other standards to assure that the building does not negatively impact adjacent properties.



- B. Where the accessory building or use is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main buildings, unless otherwise provided.
- C. Attached residential garages. In no instance shall an attached garage exceed 1,200 square feet. [Amended 10-20-2003 by Ord. No. 280; 12-20-2010 by Ord. No. 305]
- D. Accessory buildings shall not be constructed as habitable space, nor shall they be occupied.
- E. Exterior access to second story or loft areas shall not be permitted.
- F. Detached accessory buildings, including detached private garages. [Amended 12-20-2010 by Ord. No. 305; 11-15-2021 by Ord. No. 323]

(1) The floor area of each detached accessory building shall not exceed the following:

Zoning Lot Size (square feet)	Accessory Buildings (square feet)
Up to 21,780	60% of the total lot size or 1,200 square feet, whichever is less
More than 1/2 acre up to 2 acres	1,600
More than 2 acres up to 5 acres	2,000
More than 5 acres up to 10 acres	2,500

**Zoning Lot Size****(square feet)**

More than 10 acres

**Accessory Buildings****(square feet)**

4,500

- (2) Accessory buildings are subject to the restrictions of 480 Attachment 1:1, **Schedule of Regulations**.

## G. Height restrictions.

- (1) No detached accessory building in R-1, R-2, R-3, RM-1, RM-2, LB, GB, IRO, OS-1, MC or P-1 Districts shall exceed 15 feet in height, except as otherwise provided.  
[Amended 7-17-2000 by Ord. No. 268; 1-7-2013 by Ord. No. 308]
- (2) In R-1, R-2 and R-3 Districts, if the roof ridge of the main building is less than 15 feet, the roof ridge of the detached accessory structure shall not exceed the height of the main building.  
[Amended 7-17-2000 by Ord. No. 268]
- (3) Accessory buildings in I-1 and I-2 Districts may be constructed to equal the permitted maximum height of structures in said districts subject to Board of Appeals review and approval.

## H. Location on lot.

- (1) No detached accessory building shall be located closer than 10 feet to any main building unless it meets current building codes and fire rating requirements.<sup>[2]</sup>  
[Amended 10-20-2003 by Ord. No. 280]  
*[2] Editor's Note: See Ch. 172, Building Construction, and Ch. 244, Fire Prevention.*
- (2) No detached accessory building may be located closer than three feet to any side or rear lot line except as otherwise provided for herein. Setbacks to property lines shall be increased one additional foot for each one foot an accessory building parallel to a lot line exceeds 40 feet in length, and/or taller than the fifteen-foot allowable mean height adjacent to the said property line.  
[Amended 11-15-2021 by Ord. No. 323]
- (3) Corner lots.
- (a) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required of the lot in rear of such corner lot.
- (b) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the required side yard setback of the lot in the rear of such corner lot.
- (4) Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard. This requirement is subject to the exception for lots having water frontage as set forth in Article 16, **Schedule of Regulations**, and § 480-80, Lots having river and canal frontage.  
[Amended 10-20-2003 by Ord. No. 280]
- (5) In no instance shall an accessory building be located within a dedicated easement or right-of-way.

## I. Farm buildings.

- (1) Barns, silos and other accessory buildings essential to the operation of a bona fide farm are subject to the setbacks for a main building, except as otherwise provided in this chapter as related to specified uses. Such buildings are considered principal permitted use buildings on any properties directly associated with the farm.



- (2) Farm buildings shall also be exempt from size and height limitations imposed upon accessory buildings.
  - (3) Nothing, however, is stated or implied in exemptions for farm buildings which permits their use for any residential, commercial, and/or industrial uses which are not accessory in nature.
- J. Any accessory building in any residential, business, or office district shall be used only for the storage of motor vehicles, lawn equipment, or other materials or equipment commonly accepted as accessory to the principal use permitted.
- K. Trailer coach (mobile home) parking.
- (1) Nonresident owned, temporary. The parking of a trailer coach (mobile home) not owned by a resident of the Township for periods exceeding 24 hours on lands not approved for mobile home parks shall be prohibited, except that the Building Official may extend temporary permits allowing the parking of such a mobile home in a rear yard on private property, not to exceed a period of two weeks.
  - (2) Resident-owned and stored. Mobile homes owned by residents of the Township and stored on their individual lots shall be allowed for periods exceeding 24 hours with no permit required, provided that such home is stored only within the confines of the rear yard and, further, that its location respects the requirements applicable to accessory buildings in this section insofar as distances from principal buildings, lot lines, and easements are concerned.
    - (a) For purposes of this chapter, area occupied by a stored mobile home shall be computed as lot coverage and shall not exceed the maximum permitted under Article **16, Schedule of Regulations**.
    - (b) Such resident-owned and stored mobile homes shall not be connected to sanitary facilities and shall not be occupied.
- L. Accessory structures, except where otherwise permitted and regulated in this chapter, shall be located in the rear yard and shall meet the height and setback requirements of an accessory building except as otherwise specified.
- M. Antennas and towers.
- (1) Structures such as private television antennas, pole antennas or other private communication antennas, or towers (with wind resistance surface of seven square feet or less) may be located in the rear yard or on a rooftop so long as the height of the antenna or tower does not exceed the height limitation of the district in which it is located and the horizontal distance between its base (or point of secure attachment to a building) and the nearest property line is equal to the height of the structure.
  - (2) Antennas in R-1, R-2, R-3, RM-1, RM-2, and OS-1 Districts, with wind resistance surfaces over seven square feet, shall be located in the rear yard only and shall be placed in accordance with the requirements governing setbacks and height limitations for accessory buildings. The antenna shall be so located as to minimize its view from adjacent properties and streets.  
[Amended 7-17-2000 by Ord. No. 268]
  - (3) Antennas in LB, GB, MC, IRO, I-1 and I-2 Districts with wind resistance surfaces over seven square feet may be located on a rooftop, provided that the height of the top of the antenna not exceed the height limitation of the district and the location on the roof will obscure visibility from adjacent streets and residential properties as much as possible. A freestanding antenna shall be located in a rear yard or may be located in a side yard if visibility from adjacent streets and properties is obscured.  
[Amended 1-7-2013 by Ord. No. 308]

- N. Wind generators may be permitted in a rear yard when the following conditions are met:

- (1) The highest point of any portion of the generator shall not exceed 35 feet above the average grade of the rear yard.
  - (2) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
  - (3) The construction of the tower, blades, base structure, accessory building, and wiring shall meet all applicable local building codes and ordinances.
- O. Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard and further subject to the setback requirements for accessory buildings.
- P. Heating and/or cooling units located outside of single-family homes shall comply with the following requirements:
- (1) A central air-conditioning condenser unit, heat pump, or any other noise-producing mechanical system components which are typically required to be located on the exterior of the house shall be located within three feet of the main building within the rear yard, and clear of side yard setbacks. For a waterfront lot, such components shall be located on the street side.
  - (2) A central air-conditioning condenser unit, heat pump, or any other noise-producing mechanical system components which are typically required to be located on the exterior of the house may, when conditions make it necessary, be located in the side yard or in any portion of a rear yard and the street yard of a waterfront lot, subject to the following conditions:
    - (a) Such units shall not be located in any minimum yard setback;
    - (b) The discharge outlet from such units shall be directed upwards vertically or toward the rear yard;
    - (c) <sup>[3]</sup>Such units adjoining a residence shall not be located adjacent to an adjoining property owner's living or sleeping area where windows or doors are directly exposed to the unit on the side.  
*[3] Editor's Note: Former Subsection P(2)(c), regarding the concealing air-conditioning units from view, was repealed 1-7-2013 by Ord. No. 308.*
- Q. Outdoor wood-burning furnaces including outdoor wood boilers, hydronic heaters, pellet and corn stoves or furnaces and the like shall be subject to the following:  
 [Added 1-7-2013 by Ord. No. 308]
- (1) A minimum of two acres of land shall be required to install an outdoor wood-burning stove or furnace on a property.
  - (2) A maximum of one furnace may be permitted on a single parcel for the first 10 acres of land. An additional furnace may be added for each additional 10 acres of land provided.
  - (3) The furnace shall be installed with all proper permits as obtained from the Township and Construction Code Authority.
  - (4) The furnace shall not be used to burn refuse, rubber materials (including tires), synthetic rubber, any plastic materials, foam, wood that has been painted, stained or otherwise treated, flammable liquid and gasoline, etc.
  - (5) All materials used as fuels shall meet manufacturer's specifications.
  - (6) The furnace shall be subject to the following setback requirements:
    - (a) From any property line: 50 feet.

- (b) From any residence not located on the property to be served: 500 feet.
- (c) The furnace shall not be located in the front yard.
- (7) The height of the chimney shall be a minimum of 10 feet or at least two feet above the height of any ridgeline of an adjacent residence located within 1,000 feet, whichever is greater. If the required height of the chimney is taller than manufacturer's specifications permit, the furnace shall not be permitted.
- (8) The unit shall be laboratory tested and listed to comply with appropriate safety standards such as UL (Underwriters Laboratories) or ANSI (American National Standards Institute).
- (9) The unit shall be equipped with an approved and properly functioning spark arrestor.

## § 480-62. Special land uses.

Special land uses are uses which possess unique characteristics that make it difficult to anticipate all of the potential impacts on the site and on surrounding areas. Thus, it may be impractical to include them in a specific use district classification. Furthermore, until sufficient public input is obtained and further study prepared of the specific use, it may be impossible to create controls to sufficiently assure that they do not adversely impact surrounding areas.

A. The following land uses are considered special land uses:

- (1) Outdoor theaters. Outdoor theaters may be permitted within I-1 Districts subject to the following conditions:
  - (a) The site in question shall be surrounded by an I-1, I-2 or IRO Zoning District or some combination thereof.
  - (b) Outdoor theaters shall abut directly upon a major thoroughfare of not less than 120 feet of right-of-way.
  - (c) Points of ingress and egress shall be available to the outdoor theater only from abutting major thoroughfares of not less than 120 feet of right-of-way width and shall not be available from any residential street.
  - (d) All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
  - (e) The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
  - (f) The proposed internal design shall receive approval from the Building Official and the Township Engineer as to adequacy of drainage, lighting, screening, and other technical aspects.
- (2) Radio, television, public utility towers. Radio and television towers, public utility microwaves and public utility television, transmitting towers, and their attendant facilities may be permitted in I Districts subject to the following conditions:
  - (a) The site in question shall be surrounded by an I-1, I-2 or IRO Zoning District or some combination thereof.
  - (b) Said use shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the base of said tower to all points on each property line.

- (c) The proposed site plan shall receive approval from the Township Engineer as to adequacy of drainage, lighting, general safety, and other technical aspects.
- (3) Kennels. The raising of any fur-bearing animals or the operation of a commercial kennel may be permitted subject to the following conditions:
  - (a) The site shall have a minimum area of five acres or greater.
  - (b) Pens or cages shall be located not less than 100 feet from any front, side, or rear property line.
  - (c) Such use shall not only be permitted in an I-1 or I-2 District.
- (4) Landfill and dumping operations.
  - (a) The use of land for filling or dumping, earth, sand, gravel, and putrescible or nonputrescible waste materials, not in connection with general farming, agricultural, horticultural, or landscape activities, shall comply with the provisions of all other Township ordinances relevant thereto and only within an I-2 District.
  - (b) Landfill and dumping operations on properties formerly constituting the bed of the St. Clair River shall be subject to the rights of Act No. 59, PA 1995 (MCLA § 324.30101 et seq.), the public, and abutting riparian owners.  
[Amended 4-19-2004 by Ord. No. 285]
- (5) Uses not otherwise included within a specific zoning district. Uses may be proposed which are not specifically identified within a particular zoning district. In such instances, the zoning administrator may make a determination that a use is similar and no more objectionable to another use within a district that is specifically mentioned. If, in the opinion of the zoning administrator, a proposed use is not similar to an already permitted use, it will be deemed a special land use, and the Planning Commission will have the authority to apply such standards and conditions as deemed necessary to assure the health, safety and welfare of adjacent areas.

#### B. Procedure.

- (1) Upon filing of an application and submittal of a site plan, the Township shall set a date for a public hearing in accordance with § **480-92**, Public hearings. Such public hearing shall be held by the Planning Commission.
- (2) After receiving public comment, the public hearing shall be closed and the Planning Commission shall review the submitted special land use request. After undertaking such study and review as deemed necessary, the Planning Commission shall make a recommendation to the Township Board.
- (3) The Planning Commission may include conditions as a part of its recommendations to the Township Board. Such conditions shall meet all of the following requirements:
  - (a) Be desired to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - (b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - (c) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- (4) Upon receiving the recommendations of the Planning Commission, the Township Board shall make a decision to approve, approve with conditions, or deny a special land use request.

# § 480-63. Landscaping.

For any development other than a single-family residence, a detailed planting plan (landscape plan) shall be provided for any yard abutting a street and for any areas requiring a greenbelt or plantings by this chapter. Such plans shall be submitted for review and approval by the Planning Commission prior to the issuance of a building permit and shall be prepared in accordance with the following:

A. Planting plan specifications.

- (1) Minimum scale of one inch equals 50 feet.
- (2) Existing and proposed grades at a contour interval not to exceed two feet.
- (3) The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required greenbelt or landscaped area.
- (4) Typical straight cross section, including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.
- (5) Significant construction details to resolve specific site conditions, e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
- (6) Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
- (7) Planting plans shall be prepared by a registered or degreed landscape architect or by a company with membership with the Michigan Association of Nurserymen.

B. Plant material sizes and spacing.

- (1) Plant materials shall not be placed closer than four feet from the fence line or property line.
- (2) Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
- (3) Evergreen trees shall have a starting size of at least six feet in height. When planted in informal groupings, they shall be spaced not more than 20 feet on center. When planted in rows, they shall be spaced not more than 12 feet on center.
- (4) Narrow evergreens shall have a starting size of at least four feet in height. When planted in informal groupings, they shall be spaced not more than 10 feet on center. When planted in rows, they shall be spaced not more than five feet on center.
- (5) Large deciduous trees shall have a minimum starting size of 2 1/2 caliper inches. They shall be planted not more than 30 feet on center when placed in informal groupings.
- (6) Small deciduous trees shall have a minimum starting size of at least two caliper inches. They shall not be spaced more than 15 feet on center when placed in informal groupings.
- (7) Large shrubs shall have a starting size of at least 30 inches in height. They shall be placed not more than six feet on center when placed in informal groupings and not more than four feet on center when planted in rows.
- (8) Small shrubs shall have a starting size of not less than 24 inches in height or spread and be planted not more than four feet on center.

**Plant Materials: Spacing and Sizes Maximum Spacing**

(feet)

Type of Plant Material	Grouping	Rows	Minimum Starting Size
Evergreen trees	20	12	6 feet high

**Plant Materials: Spacing and Sizes Maximum Spacing**

(feet)

Narrow evergreen trees	10	5	4 feet high
Large deciduous trees	30	–	2 1/2 inch caliper
Small deciduous trees	15	–	2.0 inch caliper
Large shrubs	6	4	30 inches high
Small shrubs	4	4	24 inches high

- (9) Greenbelts shall be planted in a manner to insure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved. The ultimate size of plant material shall be such to insure adequate maturity and optimum screening effect of proposed plant materials.
- (10) The Planning Commission shall consider the choice and selection of plant materials to insure that root system will not interfere with public utilities and that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way, or to abutting property owners.
- (11) The relationship between deciduous and evergreen plant materials shall be such that a maximum obscuring effect will be maintained throughout the various seasonal periods.
- (12) The following table lists some plant material that may be acceptable for use in the Township. The list is not intended to be all-inclusive but rather suggests certain material which is commonly suitable for landscaping purposes.

<b>Plant Material Type</b>	<b>Suggested Plant Materials</b>
Evergreen trees	Juniper, Hemlock, Pine, Spruce, Douglas Fir, Fir
Narrow evergreens	Columnar Honoki Cypress, Blue Columnar Chinese Juniper, Pyramidal Japanese, Pyramidal White Pine, Columnar Giant Arbor-Vitae, Hicks Yew, Douglas Arborvitae, Swiss Stone Pine
Large deciduous trees	Oak, Linden, Hackberry, Hop Hornbeam, Ginkgo (male), Hard Maples, Sweet Gum, Honey Locust (thorn less), Birch, Beech, Sycamore, Ash (seedless), Bradford Pear
Small deciduous trees	Hornbeam, Service berry, Mountain Ash, Hawthorn, Magnolia, Redbud, Rose of Sharon, Flowering Crabs, Flowering Dogwood
Large shrubs	Honeysuckle, Mock-orange, Buckthorn, Pyracantha, Mugo Pine, Lilac, Euonymus, Ninebark, Bayberry, Savin Juniper, Viburnum, Forsythia, Sumac, Flowering Quince, Cotoneaster (Pekin, Spreading), Hazelnut, Border Privet, Pfitser Juniper, Yew
Small shrubs	Regal Privet, Potentilla, Dwarf Mugo Pine, Low Spreading Junipers (Hughes, Tamarix, etc.), Cotoneaster (Cranberry, Rockspray), Fragrant Sumac, Compact Burning Bush, Spreading Yews, Japanese Quince, Big Leaf Winter Creeper
Trees not suggested	Box Elder, Poplars, Elms, Willows, Horse Chestnut (nut bearing), Catalpa, Red Maple, Silver Maple, Tree of Heaven, Cottonwood

**C. Parking lot landscaping.**

- (1) In an IRO, I-1 or I-2 District, one tree for each 4,000 square feet of the total of the paved driveway and parking lot surface shall be provided.

- (2) In all other districts, one tree shall be required for each 3,000 square feet of paved driveway and parking lot surface, provided that no less than two trees are provided.
  - (3) Trees shall be distributed evenly throughout the parking area, and each tree shall be provided with an open land area of not less than 150 square feet to provide area for infiltration and with a minimum diameter of six feet at the trunk of the tree for protection.
  - (4) A sprinkler irrigation system shall be installed.  
[Amended 10-20-2003 by Ord. No. 280]
  - (5) Tree plantings shall also be protected from automobiles with curbing or other suitable device.
  - (6) In a P-1, OS-1, MC, LB or GB District, when a parking area abuts a residential district, a row of large deciduous trees shall be provided on the nonresidential side of a required wall or berm. Such trees shall be located in a lawn panel with a minimum width of 10 feet as measured from the property line.  
[Amended 1-7-2013 by Ord. No. 308]
  - (7) Landscaped end islands shall be provided whenever two parking lot aisles intersect. A minimum width of nine feet shall be provided for all end islands, and each end island shall have a minimum of two large deciduous trees, which may include required trees as noted in Subsection **C(1)** and **(2)** above.
- D. Maintenance. Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy, growing condition with a neat and orderly appearance. If any plant materials required by this chapter die or become diseased, they shall be replaced within 30 days of written notice from the Township or within an extended time period as specified in said notice.
- E. Timing. The landscaping shall be planted within six months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials to provide the necessary affect. Final certificate of occupancy shall be withheld until plantings have been installed and approved. A temporary certificate of occupancy may be issued in the interim.

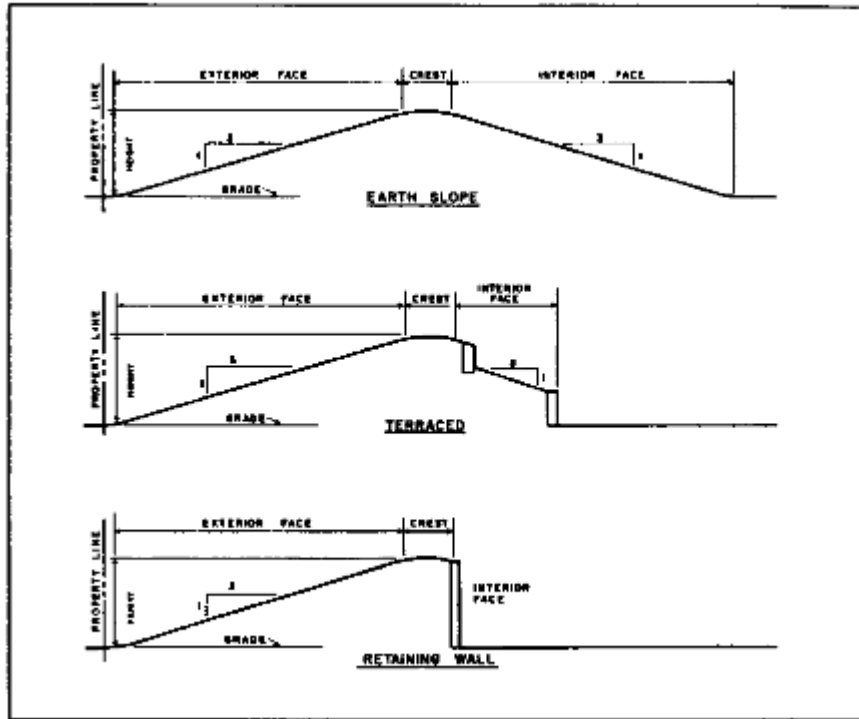
## § 480-64. Obscuring walls and landscaped berms.

- A. For those zoning districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall or landscaped berm as required below, unless otherwise determined by the Planning Commission under Subsection **H** below. In any instance, a berm of equal height may be substituted for a wall, if desired. Furthermore, the Planning Commission may require the use of a berm rather than a wall.  
[Amended 7-1-2013 by Ord. No. 308]

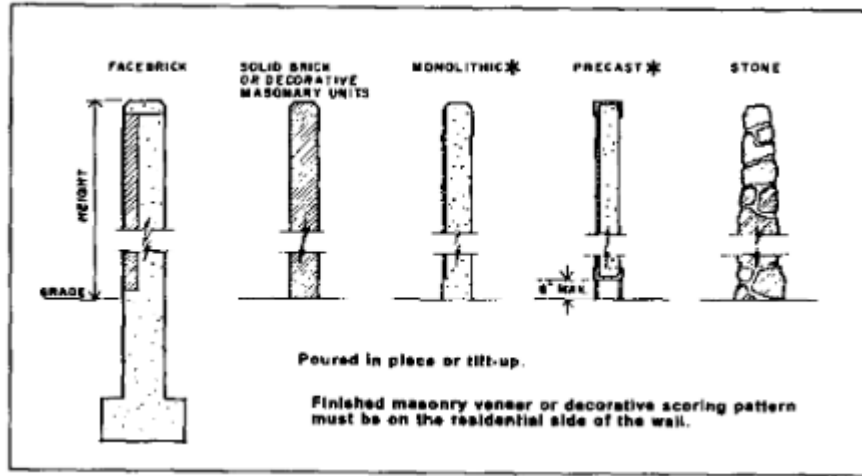
<b>District or Use</b>	<b>Height (feet)</b>
RM Districts (adjacent to one-family residential districts)	4.5 to 6.0
P-1	4.5
OS-1, LB, GB and MC Districts	4.5 to 6.0
IRO, I-1 and I-2 Districts	5.0 to 8.0
Off-street parking and circulation (other districts)	4.5
Storage areas	5.0 to 10.0
Hospital ambulance and delivery areas	6.0
Utility buildings, stations or substations	6.0

- B. The height of a wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall or berm.
- C. In the case of a variable wall or berm height as noted above, the extent of obscuring wall or berm shall be determined by the Planning Commission on the basis of land usage, provided, further, that no wall or berm shall be less than the above required minimum, nor greater than the above required maximum.
- D. Berms shall be landscaped in accordance with § **480-63**, Landscaping.
- E. In those instances where the border between districts or uses requiring a wall or berm is a major or secondary thoroughfare, a landscaped greenbelt may be substituted for the wall or berm adjacent to the thoroughfare.
- F. Required walls shall be located along the lot line except in the following instances:
  - (1) Where underground utilities interfere.
  - (2) Where a landscaped street yard is required, the wall shall be placed along the setback line.
  - (3) Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request.
- G. Required berms shall be constructed as landscaped earth mounds with a crest area at least four feet in width.
  - (1) The exterior face of the berm shall be constructed as an earthen slope.
  - (2) The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace, or other means acceptable to the Building Official.
  - (3) Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one foot of vertical rise to three feet of horizontal distance.
  - (4) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with a straw mulch held in place by jute netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion.
  - (5) The berm area shall be planted with shrubs, trees and lawn and shall be maintained in a healthy, growing condition.





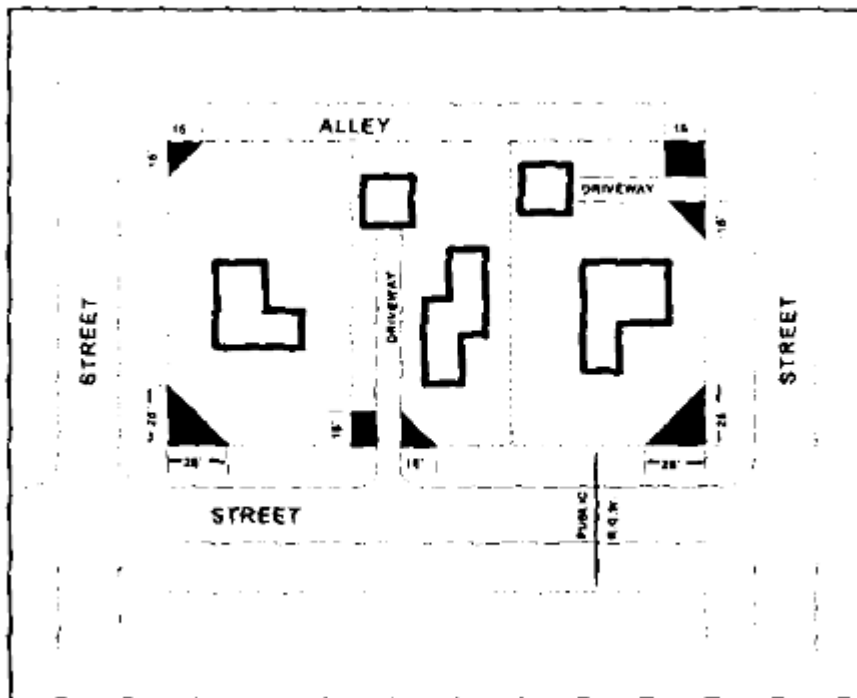
- H. In those instances where the following conditions occur, the wall or berm may be waived by the Planning Commission:
- (1) The abutting or adjacent land is proposed on the Township Master Plan of Land Use as a use other than residential.
  - (2) The abutting or adjacent land is developed for a use other than residential.
  - (3) The Planning Commission determines that the abutting or adjacent residential district will become nonresidential in the future.
  - (4) The abutting or adjacent residential district has physical characteristics which preclude the necessity of a wall or berm. Such conditions include but are not necessarily limited to:
    - (a) An abrupt rise in grade on the abutting or adjacent district.
    - (b) Heavily wooded or landscaped areas that will buffer as effectively as a wall or berm.
    - (c) Other natural or man-made features that will buffer the abutting or adjacent residential districts as effectively as a wall or berm.
- I. Walls and berms shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter or approved by the Planning Commission. Masonry walls may be constructed with openings, above three feet in height which do not in any square section (height and width) exceed 20% of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Building Official.
- J. All walls herein required shall be constructed of face brick or comparable nonporous facing materials on the exterior sides facing a residential district and shall be approved by the Building Official to be durable, weather-resistant, rustproof and easily maintainable; and wood or wood products shall be specifically excluded. The top of the wall shall be finished or capped to provide positive drainage.



K. The Planning Commission may require that a wall be varied in height or stepped to match adjacent existing walls or to assure that adequate sight distance is assured, provided that in no instance shall a required wall or berm be permitted to be less than 30 inches in height.

### § 480-65. Corner clearance.

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and a street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of 15 feet from their point of intersection. In those instances where such triangular area cannot be constructed on the property in question, a fifteen-foot setback shall be required between the property line and the driveway or alley.



## § 480-66. Residential entranceway structures.

In all residential districts, so-called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single-family subdivisions or multiple-housing projects, may be permitted and may be located in a required yard, except as provided in § 480-65, Corner clearance, above; provided that such entranceway structures shall comply to all codes and ordinances of the Charter Township of East China, be approved by the Building Official, and a permit issued.

## § 480-67. Exterior lighting.

- A. Outdoor lighting used to illuminate the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, uses or streets.
- B. Outdoor lighting shall be directed toward and confined to the ground area of lawns or parking lots.
- C. All lighting of nonresidential uses for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- D. Illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
- E. Exterior lighting shall in no way imitate directional or traffic lighting.<sup>[1]</sup>  
[1] *Editor's Note: Former Subsection E, regarding parking lot lighting, was repealed 11-15-2021 by Ord. No. 323. This ordinance redesignated former Subsections F and G as E and F, respectively.*
- F. Lighting standards shall not exceed the maximum height limitations established for each district as set forth in Article 16, **Schedule of Regulations**.

## § 480-68. Waste receptacles.

A space for the location of waste receptacles shall be provided for each business, office, multiple-family or industrial use. A space for waste receptacles shall be provided whether or not their use is intended. Waste receptacles and enclosures may be permitted as accessory to any use except one-family residential. The provisions of § 480-61, Accessory buildings and structures, and the following conditions shall apply:

- A. Waste receptacles must be clearly accessible to servicing vehicles.
- B. A concrete pad with a minimum dimension of nine feet by six feet shall be provided.
- C. Waste receptacles shall be screened on all sides. Such screening shall be constructed of an earth mound, brick or decorative concrete block material with a minimum height of six feet or one foot above the height of the enclosed dumpster, whichever is greater. Access gates must provide screening and may be of wood construction.
- D. Waste receptacles and their screening enclosures shall be located as far from single-family residential districts as practical.
- E. The location of waste receptacles shall be indicated on the site plans, and the location and screening shall be subject to approval of the Code Enforcement Officer, or of the Planning Commission when the Planning Commission reviews the site plan.
- F. Detail drawings or a note shall be provided on the plan to assure that the above requirements are met.

## § 480-69. Access management.

The standards of this section are intended to promote safe and efficient travel within the Township; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always by the most direct route. The following standards shall apply to all uses except residential developments involving less than five dwelling units. However, if it appears that there would be unusual difficulty encountered in meeting these requirements because of grade changes, existing or proposed intersections, driveways, bridges, or other land restrictions, the Planning Commission, upon recommendation of the Township Engineer, may waive or modify the requirements of this section.

### A. Acceleration-deceleration-passing lanes.

- (1) Driveways providing ingress and egress to all two-lane, paved major thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes.
- (2) Driveways providing ingress and egress to all three-lane, paved major thoroughfares shall be provided with paved acceleration and deceleration lanes.
- (3) Driveways providing ingress and egress to roads of four or more lanes shall be provided with paved tapers or turning lanes.
- (4) Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the Township Engineer.

### B. Alternative means of access. To reduce the number of curb cuts to the Township's major thoroughfares, alternative means of access shall be encouraged in general. In such cases the following alternative means of access may apply:

- (1) Shared driveways. Sharing or joint use of a driveway by two or more property owners shall be encouraged. The shared driveway shall be constructed along the midpoint between the two properties. If a written easement is provided which allows traffic to travel across one parcel to access another, or access the public street, the driveway can be located entirely on one parcel.
- (2) Marginal access roads. In cases where a marginal access road exists, is recommended in a plan adopted by the Planning Commission and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such road, rather than by direct connection to the major thoroughfare. In areas where marginal access roads are planned, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road. In such instances, the Planning Commission may temporarily grant individual parcels a direct connection to the adjacent major thoroughfare. A performance bond or other financial guarantee must be provided which assures elimination of the temporary access upon completion of the road. Occupancy permits shall not be issued until such financial guarantee has been submitted to the Township.
- (3) Parking lot connections. All parking lots shall be designed in such a way as to allow for a connection to the parking lot of an existing or future use. Such connection shall be a minimum of 20 feet in width and shall be set back a minimum of 30 feet from the planned future right-of-way of adjacent roads.

## § 480-70. Grade conformance.

Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of abutting

existing development or subdivisions.

## § 480-71. Fences.

[Amended 10-20-2003 by Ord. No. 280]

The issuance of an approved fence permit shall be required prior to construction of a new fence. Fences shall not be subject to the provisions of this section if they have a height of two feet or less. For the purposes of this section, a fence is any man-made structure.

### A. Process.

- (1) Application for a fence permit shall be made on forms provided by the Township.
- (2) The Building Official shall examine all applications for fence permits and if it appears that the application complies with all of the provisions of this chapter, does not appear to violate any other applicable law, and all applicable fees have been paid, a fence permit shall be issued to the applicant.
- (3) The applicant shall notify the Building Official or his designee when the fence has been completed, and the Building Official or his designee shall examine the construction to assure that it complies with the standards of this chapter and the issued permit.
- (4) Any permit granted under this section shall become null and void after six months from the date such permit is granted.

### B. General requirements.

- (1) Razor and barbed wire. The use of razor wire is not permitted on any fence in any use district. Barbed wire may only be placed on fences in nonresidential districts when constructed inward of the fence. Barbed wire may be permitted in residential districts when necessary for the keeping of animals on land used for agricultural purposes.
- (2) Fences conducting electric current. Fences on residential lots of record shall not conduct electric current or contain a charge of electricity except when necessary for the keeping of animals on land used for agricultural purposes. The use of subterranean electrical devices for the containment of animals is permitted.
- (3) Unless otherwise provided for in this chapter, fences (as defined in this chapter) shall not be permitted in a front yard. The Township Building Inspector may permit the installation of a fence in a front yard when the following conditions are met:
  - (a) Except for otherwise provided in this chapter, a fence shall not exceed a height of 36 inches.
  - (b) For lots with frontage on the St. Clair River, a fence may be permitted in the yard between a residence and a road subject to the following:
    - [1] A fence with a maximum height of 48 inches may be permitted, except that such a fence shall be set back a minimum distance of 20 feet from any road right-of-way.
    - [2] A fence no greater than 36 inches in height may be permitted up to the road right-of-way.
    - [3] The fence shall be constructed in such a manner that it has a minimum of 25% open unobstructed surface area, viewed from a ninety-degree angle.
    - [4] Shrubs, plants or hedges are not considered to be a fence and there is no limitation on their height between the house and the road.
  - (c) The fence shall be constructed in such a manner that it has a minimum of 73% of open unobstructed surface area, such as a split rail fence, viewed from a ninety-degree angle.

- (d) Steel posts and wire mesh are not permitted in any front yard.
- (4) Residential districts.
- (a) Unless otherwise provided in this chapter, fences on all lots of record in all residential districts shall not exceed a height of six feet measured from the surface of the ground.
  - (b) Those fences on all lots of record in all residential districts located on a property line or within a required side or rear yard shall not exceed four feet in height. However, such fences may be permitted to a height of not more than six feet with the consent of the owner of the adjoining property nearest the fence or wall. Such consent shall be in writing, notarized, and shall be filed with the Township, and shall be irrevocable and binding on succeeding owners of the property with respect to the fence for which it is given. Fences located beyond a required side or rear yard setback may exceed four feet in height, but not more than six feet, without a neighbor's consent.
  - (c) Any fence shall be constructed so that the finished side thereof shall face adjoining properties.
- (5) Parks, playgrounds, or public areas. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas situated within an area developed within recorded lots shall not obstruct vision to an extent greater than 25% of their total area. Such fences may be permitted to a height not to exceed eight feet.
- (6) Fences on lots having water frontage. In addition to the standards of Subsection **B(3)** above, the following standards shall apply to lots having water frontage:
- (a) St. Clair River. Fences and hedges on lots with frontage on the St. Clair River shall not be allowed in the yard abutting the river.
  - (b) Belle and Pine Rivers. Fences on lots with frontage on the Belle River and Pine Rivers shall be subject to the following conditions:
    - [1] Fences must be open and unobstructed allowing a view up and down the river.
    - [2] Fences shall not exceed four feet in height.
    - [3] Fences shall be no closer than 30 feet to the river's edge.
- (7) Canal frontage. Fences on lots with frontage on canals may be permitted up to the edge of the canal and shall be subject to the following conditions:
- (a) Fences shall be open and unobstructed allowing a view up and down the canal.
  - (b) Fences shall not exceed four feet in height.

## § 480-72. Site plan review.

The requirements set forth herein are intended to provide guidelines to foster understanding between the developer and the Township and its representatives. In this way, the Township will be given sufficient detail to assure compliance with its plans and ordinances and the preparation, submission and review of site plans will be expedited.

- A. Review and approval is required before a building permit may be issued for the construction of all structures and uses proposed in the Township. Review and approval authority is as follows:
- (1) Administrative review and approval of a plot plan by the Building Official (see Article **22**, Administration and Enforcement) is required before a building permit may be issued for the following:
    - (a) Construction of any single-family home.

- (b) Accessory structures and uses in any zoning district.
  - (c) Erection or modification of a sign.
  - (d) Structural and maintenance changes which do not expand a use.
- (2) Review and approval by the Building Official and review and approval by the Zoning Board of Appeals is required before a permit may be issued for any temporary structure or use.
  - (3) Review and approval by the Planning Commission is required before a building permit or certificate of occupancy may be issued for any building or use, authorized in any zoning district other than those items listed in Subsection **A(1)** and **(2)** above.
  - (4) The Building Official can, at his or her discretion, require review and recommendation by the Planning Commission of any item that would be otherwise approved administratively.
- B. No site plan shall be approved until same has been reviewed by the Township Planner and Township Engineer for compliance with the standards of the respective departments.
- C. In the process of reviewing the site plan, the Planning Commission shall, at a minimum, consider the following:
- (1) One-family residential development on the basis of a subdivision.
  - (2) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
  - (3) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    - (a) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
    - (b) Satisfactory and harmonious relations between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - (4) The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives, and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- D. Application for site plan review.
- (1) In order to be placed on the Planning Commission agenda, an application for site plan review, with all requisite material, shall be delivered to the office of the Township Clerk not less than 15 days in advance of a regularly scheduled Planning Commission meeting.
  - (2) Content of application. The application shall include:
    - (a) The legal description of the land involved, the street address and the item number assigned on the St. Clair County Property Description Maps. If separately described parcels of land owned by more than one party are involved, then all the information required in this and the following subsections shall be separated and supplied as to each individual parcel.
    - (b) The purpose of the proposed site development.
    - (c) The name(s) of the owner(s) of the fee simple legal and equitable title to the land, and current address and telephone number of same, and if an artificial entity, the name, address, and telephone number of natural person who is the legal representative.
- E. Eleven copies of the following shall be submitted:

- (1) An area map showing the site location relative to the section, major thoroughfares, public lands, and abutting uses and property lines. The area map shall be drawn on a separate sheet either 8 1/2 x 11 inches or 11 x 15 inches, and one reproducible transparency shall be provided.
  - (2) Plans and data displaying the characteristics of the site and its surroundings (see Subsection **F**, Characteristics of site and surroundings, as follows).
  - (3) Plans and data displaying the proposed developed condition of the site, including topographic alterations, improvements, facilities and structures (see Subsection **G**, Preliminary site plan requirements). The site plan shall show complete and detailed information with exact dimensions which, when approved by the Planning Commission, shall be understood to represent a firm commitment, and from which actual site development shall not deviate expecting upon approval by the Planning Commission of a revised site plan.
- F. Characteristics of site and surroundings. The following information displaying the characteristics of the site and its surroundings shall be provided:
- (1) Property survey. There shall be supplied a property survey, presented on a drawing at suitable scale, signed and sealed by a registered land surveyor with notation of the date of survey. The property survey information may be presented on the required topographic survey drawing. If on a separate drawing, the property survey shall be submitted in 11 legible copies, one of which shall be a clearly reproducible film transparency.
  - (2) Topographic survey. There shall be supplied a topographic map, made, signed, and sealed by a registered land surveyor or a civil engineer licensed to practice in the State of Michigan. Accurate photogrammetric surveys made under the direction of and verified by a registered land surveyor or civil engineer and with supplemental details and data added by one of the foregoing will be acceptable, and shall include:
    - (a) Scale and sheet size. The topographic survey shall be presented on plan or map drawn to a standard engineer's scale not smaller than 50 feet to one inch. Plan sheets shall be not larger than 30 inches by 42 inches. Additional matching sheets shall be used if the area covered at the scale used exceeds the thirty-inch-by-forty-two-inch size.
    - (b) Datum. All elevations shall be on USC & GS datum.
    - (c) The topographic map shall be drawn true to scale throughout and shall show at least the following information:
      - [1] The surface configuration and elevation of the land and all abutting streets, highways, and alleys.
      - [2] All existing structures on the site and on abutting property within such distance beyond the property lines as the topographic map is required to extend as herein provided for various sizes and types of sites. The dimensions, type of construction, and use of each structure shall be noted.
      - [3] All single trees having a trunk diameter of six inches or more at six feet above the ground shall be shown and identified. Wooded areas shall be delineated by symbolic lines tracing the spread of outermost branches and shall be described as to the general sizes and kinds of trees contained.
      - [4] All watercourses, including defined intermittent drainage lines, shall be located and identified as to character and size.
      - [5] All bridges and culverts which provide passage of stormwater onto or away from the site, under abutting roads, shall be shown with details of sections, length and elevation listed.



- [6] All recorded easements across the site shall be shown, as shall all evidences of possible unrecorded easements such as existing roadways, pipelines, pole lines, etc.
- [7] The details of improvements of abutting streets and thoroughfares shall be shown, including width and kind of surfacing, curbs, shoulders and ditches (all with all dimensions and elevations requisite to provide a clear definition of existing conditions). Trees or planting within street or highway right-of-way shall be shown.
- [8] All existing roadways or driveways entering abutting streets or thoroughfares from the site, or from adjoining land within the limits of survey overlaps hereinafter listed, and all streets, roadways, or driveways entering the opposite sides of abutting streets or highways within the same limits shall be delineated on the map.
- [9] The use of properties on the opposite side of abutting streets or thoroughfares and of all properties abutting the site shall be noted on the map.
- [10] Where abutting thoroughfares have been officially designated for eventual widening, the existing center line and the proposed future right-of-way lines shall be shown.
- [11] All existing utilities, including storm and sanitary sewers, water mains, gas mains, electric, and telephone lines located in streets, alleys, or easements abutting the site shall be identified and shown in their true locations and the locations dimensioned in relation to right-of-way or easement lines. All visible utility structures, including manholes, wells, shutoff boxes and catch basins, shall be shown in their true locations. Field measured elevations of flow lines of storm and sanitary sewers shall be shown. Known proposed utility lines shall also be shown and identified.

(d) The extent and type of topographic survey and map shall be as follows:

- [1] For a site of not more than three acres, excluding the existing right-of-way of any undedicated thoroughfare and the declared future right-of-way of any existing thoroughfare, the survey and map shall extend to a distance of at least 15 feet beyond the lines between the site and abutting properties and shall cover abutting streets or thoroughfares to distances not less than 30 feet beyond the limits of the site.
- [2] For a site of more than three acres and not more than 10 acres, excluding the existing right-of-way of any undedicated thoroughfare and the declared future right-of-way of any existing thoroughfare, the survey and the map shall be extended at least 40 feet beyond the lines of abutting properties and shall cover abutting streets or thoroughfares to distances of not less than 100 feet beyond the limits of the site.
- [3] For a site of more than 10 acres, the survey and map shall be extended at least 100 feet beyond the lines of abutting properties and shall cover abutting streets or thoroughfares to a distance of not less than 200 feet.
- [4] Surface configuration of the surveyed area shall be shown by contours which shall be at elevation intervals as follows:

<b>Rate of Slope of Surface</b>	<b>Maximum Contour Interval</b>
Up to 3 feet in 100 feet	1.0 feet
Between 3 feet and 20 feet in 100 feet	2.0 feet
Greater than 20 feet in 100 feet	5.0 feet

- [5] Contour elevations shall be identified at sufficiently frequent intervals to make the map readily comprehensible. At each of the listed contour intervals, every fifth contour shall be accented. Elevation in figures shall be noted at highest points within hilltop contours, at lowest points within depression contours, and at control points

between equal contours denoting "saddle" formation. Within street and thoroughfare rights-of-way, contours shall be supplemented by noting in figures the elevation of all controlling points.

G. Preliminary site plan requirements.

- (1) A site plan shall be prepared by a registered architect, registered civil engineer, registered community planner, registered land surveyor, or registered landscape architect (licensed to practice in the State of Michigan).
- (2) The site plan shall be prepared at the same scale and in the same sheet arrangement as the topographic map, so as to permit ready comparison.
- (3) Each sheet of the site plan shall show a North arrow and a notation of the drawing scale. The principal sheet of the plan shall show a graphic scale as well as scale in figures.
- (4) The name of the proposed development and the name and address of the proprietor or responsible developer shall appear on each sheet of plan. Each sheet of plan shall bear a drawing number and date of completion.
- (5) Any drawing altered after initial submission to the Planning Commission shall bear notations stating the date and nature of each revision.
- (6) The survey dimensions of the site shall be shown on the site plan.
- (7) All abutting thoroughfare and street rights-of-way with center line indicated, and all existing street improvements which will be undisturbed by the site development, shall be reproduced on the site plan.
- (8) All dividing lines between abutting properties shall be shown to a distance of at least 20 feet from the boundaries of the site, and all topographic survey information relative to abutting properties shall be reproduced on the site plan for a distance of at least 15 feet beyond the limits of the site.
- (9) The plan shall be completely dimensioned and shall be specific relative to data presented.
- (10) A statement of land area, in acres, and each land use type, including:
  - (a) Total area of site in question.
  - (b) Area in existing and proposed public or dedicated private streets, in each land use type.
  - (c) Total area falling within subaqueous, swampy, or submerged bottom land of lakes or streams.
- (11) A statement of density projected for site, including the number of total rooms and/or dwelling units projected for site eligible for computation of density.
- (12) A statement, with all computations included, indicating usable area for the computation of off-street parking needs, and the proposed number of spaces provided. The parking layout shall be fully dimensioned.
- (13) Structure dimensions and locations.
  - (a) Each structure shall be completely dimensioned in plan or, alternatively if the structure outline involves many offsets or jogs, the plan may show rectilinear envelope within which the structure will be totally contained. If the latter alternative is adopted, spacing between envelopes, property boundaries, roadways, and other features shall be not less than the minimum spacing for structures in the same circumstances.
  - (b) The location and orientation of each structure (or structure envelope) shall be positively fixed on the plan by dimensions and directions.

(14) Dimensioned floor plans and building elevations.

H. Final site plan requirements. In addition to all items outlined above for submittal with a preliminary site plan, the following shall be submitted on or with a final site plan:

(1) On a separate sheet, the following details shall be superimposed on the site plan:

- (a) Finished elevations of grading and paving shall be calculated to provide adequate slopes for surface drainage, and all control elevations shall be shown to 0.01 foot.
- (b) On-site roadways, if any, shall have all controlling elevations shown to 0.01 foot and shall be completely dimensioned as to location, direction, and geometries.
- (c) The storm drainage system shall be shown in specific location on the plan, with catch basins, manholes, and deflection points in ditches (if any) positioned by dimension. Controlling flow line elevations shall be shown.
- (d) On-site water mains, if any, shall be shown in specific location on the plan, with valves, fire hydrants, deflections in line, any special appurtenances, and service connection locations positioned by dimensions.
- (e) On-site sanitary sewers, if any, shall be shown in specific location on the plan, with manholes and building sewer connection locations positioned by dimensions. Controlling flow line elevations shall be shown.

(2) A landscape plan, prepared in accordance with § **480-63**, Landscaping.

I. Dimensioning systems.

- (1) The position of a single structure on a site may be identified by dimensions from the boundary lines of the site. Roadways, parking areas, drainage lines and utility connections may be dimensioned with respect to the structure or to site boundaries, as may appear most useful. In either system, the closest approach of any of these features to the structure or to any site boundary shall be dimensioned.
- (2) In multiple-structure developments where the structures are placed in a totally rectangular arrangement, paralleling one site boundary line, structure positions may be identified by dimensions from the site boundaries and dimensions between structures. In such case, a reference line, in a convenient location either parallel with or normal to the controlling boundary, shall be shown on the plan and shall be monumented and preserved on the site as a means of locating and verifying the locations of structures and other features of the development. Roadways, parking areas, and utility lines and utility service connections may be dimensioned from this reference line, and from structures. The closest approach of any of these features to a structure, or to a boundary of the site, shall be dimensioned.
- (3) In large or complex developments, particularly where the arrangement of structures, roadways or utilities is not essentially rectangular, the site plan shall be controlled by a rectangular coordinate system, with north-south and east-west axis oriented in conformity with the bearings of the site boundary survey. The origin of coordinates shall be selected so that all of the site and abutting streets shall lie in the northeast quadrant (having positive coordinates) in the coordinate system.
  - (a) Structures (or structure envelopes) shall be positioned by noting the coordinates of at least one corner, with the directions of exterior lines indicated by bearings. (One bearing, only, will suffice for a rectangular structure.)
  - (b) Control points of roadways shall be positioned by coordinates. Roadway tangents shall have bearings and lengths noted. Roadway curves shall be tangent circular curves, with radius, central angle, and arc length noted.
  - (c) Parking area control points shall be positioned by coordinates, and parking area orientation shall be shown by bearings.

- (d) Points controlling location of utility lines shall be positioned by coordinates and bearings, and lengths of lines between coordinates shall be noted; excepting that where utility lines parallel roadways or structures they may be dimensioned from the roadway or structure.
  - (e) Points of closest approach of structures to structures, or of structures, roadways, utility lines, parking areas, or site boundaries to each other shall have calculated dimensions noted wherever the separation does not clearly exceed the permissible minimum.
  - (f) Monuments shall be placed and maintained on the site at intersections of principal coordinate lines, at intervals not exceeding 400 feet, to facilitate correct layout of the development and checking of construction for conformity to plan.
  - (g) The coordinate system may be applied to developments of relatively minor size and complexity at the developer's option.
- J. Approval process.
- (1) At the discretion of the applicant, site plans maybe submitted for review by the Planning Commission in a two-step process: preliminary and final. A preliminary submittal allows a developer to submit a less detailed plan to the Planning Commission than would otherwise be required for final plan approval and thus forgo some expense should plan revisions be required. Approval of a preliminary site plan by the Planning Commission shall remain firm for a period of one year. If a final plan is not submitted within that time, preliminary approval shall be null and void. However, at the request of an applicant, the Planning Commission may grant a six-month extension.
  - (2) Approval of a final site plan by the Planning Commission shall remain firm for a period of one year, during which construction of the development covered by the plan shall be initiated and carried on with reasonable diligence.
  - (3) Approval null and void with abandonment.
    - (a) If construction is not initiated within one year from the date of approval of the site plan, such failure shall be considered abandonment of the plan and shall render its approval null and void.
    - (b) If construction, once started under an approved site plan, is discontinued for a period of one year, the undeveloped portion of the plan shall be considered abandoned and its approval shall be null and void.
  - (4) If extended approval is desired for a site plan upon which construction is not started within one year or for the uncompleted portion of a site plan upon which work has been discontinued for one year, a new application shall be made to the Planning Commission who will reconsider the plan in the light of regulations and conditions then existing. The duration of any extension of approval granted by the Planning Commission shall be determined by the Planning Commission, but in no case shall be more than one year, for any one extension.
  - (5) Fees for review of site plans shall be established by a resolution of the Township Board.

## § 480-73. Engineering and inspection requirements; deposit; construction permit.

- A. Engineering plans and inspections. Subsequent to site plan approval, and before any construction proceeds, complete engineering plans and specifications for construction of storm sewers and drains, sanitary sewers, water mains, roads, and parking area improvements, all conforming to East China Township standard requirements, shall be submitted for review and approval by the Township and, when required, by county and state agencies.

- B. Inspection deposit; construction permit. Construction of any of the above improvements shall not be commenced until the requisite deposit to cover inspection costs has been paid to the Township and a Township construction permit is issued.

## § 480-73.1. Personal wireless service facilities.

[Added 11-6-2006 by Ord. No. 293]

- A. Purpose and intent. It is the general purpose and intent of the township to carry out the will of the United States Congress by authorizing communications facilities needed to operate personal wireless service (PWS) systems. It is further the purpose and intent of the township to provide for such authorization in a manner which will retain the integrity of residential neighborhoods and maintain the character, property values, and aesthetic quality of the township at large.

- B. Personal wireless services permitted.

- (1) Personal wireless service (PWS) antennas and support structures may be permitted by the Building Official in any use district, under any one of the following circumstances:

- (a) The antennas and support structures shall be concealed from view and shall be located within the building or structures of the principal use, provided that:

[1] The zoning lot shall have frontage directly on a major thoroughfare or collector street.

[2] The principal use shall be a conforming use and the building shall be a conforming structure.

[3] In the R, RM, PND and MHP Districts, such antennas shall be permitted only with uses that are other than residential uses.

- (b) The antennas and support structure may be attached to an existing tower, such as a water tower or similar structure in existence at the date of the adoption of this amendment,<sup>[1]</sup> or as a collocation on a PWS tower that has been approved under the applicable requirements of § 480-73.1.

[1] *Editor's Note: "This amendment" refers to Ord. No. 293, adopted 11-6-2006.*

- (c) The antennas and support structure are attached to an existing steel, lattice-type electric transmission tower located in an electric utility company easement or right-of-way that is separate from a public road right-of-way.

- (d) Buildings containing equipment to support the function of the antennas may be freestanding buildings, provided that they conform to the provisions of § 480-73.1C, Standards for PWS facilities.

- (2) Personal wireless service (PWS) antennas and support structures may be permitted when attached to a building in the R, RM, PUD, OS-1, LB, GB, MC, IRO, or I Districts, provided that the following conditions are met:

[Amended 1-7-2013 by Ord. No. 308]

- (a) The use shall be subject to the review and approval of a site plan by the Planning Commission. Plans shall include enough detail so that the Planning Commission can determine that the conditions set forth in Subsections **B(2)(b)**, **(c)**, and **(e)** below have been met.

- (b) The antennas are attached to an existing building or structure in such a manner as to minimize the identity of the antennas. In order to achieve this goal, the antennas shall not extend above or beyond the silhouette of the building or structure or shall be located so that the building or structure provides a backdrop to the antennas. Color and building material of the antennas shall be compatible with the color and material of the building.

- (c) The principal use shall be a conforming use and the building shall be a conforming structure.
  - (d) In the R, RM or PND Districts, such antennas shall be permitted only with uses that are other than residential uses.
  - (e) Buildings containing equipment to support the function of the antennas may be freestanding buildings, provided that they conform to the applicable provisions of § **480-73.1C**, Standards for PWS facilities.
- (3) Personal wireless service (PWS) antennas and support structures shall be permitted to be attached to buildings in the LB, GB, MC, IRO or I Districts, subject to the following conditions: [Amended 1-7-2013 by Ord. No. 308]
- (a) The use shall be subject to the review and approval of a site plan by the Planning Commission. Plans shall include enough detail so that the Planning Commission can determine that the conditions set forth in Subsection **B(3)(b)** through **(e)** below have been met.
  - (b) The principal use is a conforming use and the building is a conforming structure.
  - (c) If connected directly to the main building, antennas may be attached to any portion of the building. If the support structure extends above the highest point of the roof or parapet of the building, the distance between the base and the top of the supporting structure shall not exceed the height of the building on which it is located. Any structure that supports antennas shall be set back from the outer most vertical wall or parapet of the building, at a distance equal to at least two times the height of such supporting structure.
  - (d) A structure that supports antennas may exceed the maximum height permitted in the district by not more than 10 feet, and the top of antennas may exceed the height permitted by not more than 20 feet.
  - (e) Buildings containing equipment to support the function of the antennas may be freestanding buildings, provided that they conform to the provisions of § **480-73.1C**, Standards for PWS facilities.
- (4) Personal wireless service (PWS) antennas, support structures and towers may be permitted in the LB, GB, MC, IRO and I Districts, provided that the following conditions are met: [Amended 7-1-2013 by Ord. No. 308]
- (a) The use shall be subject to the review and approval of a site plan by the Planning Commission.
  - (b) The height, including antennas, shall not exceed 100 feet, measured from the grade at the base of the tower when occupied by one PWS provider. In the event the tower provides antennas for more than one provider, the maximum height may be increased to not more than 150 feet.
  - (c) The base of the tower shall have a minimum setback of 300 feet to any lot line located in an R, RM, PND or MHP District.
  - (d) The base of the tower and any other structures connected therewith shall provide the minimum setback required by the district, provided that the setback shall be not fewer than 200 feet from any public street right-of-way and 30 feet from any other lot line.
  - (e) If located on the same zoning lot with another permitted use, such tower and any other structures connected therewith shall not be located in a front yard or in a side yard abutting a street.
  - (f) Exceptions to these conditions may be permitted by the Planning Commission when the Commission finds that circumstances of the site and in the surrounding area warrant

different conditions and provided that such exceptions are granted as a special land use under the procedures of § **480-62B**.

- (5) In order to promote the collocation of antennas and limit the number of towers in the township, the Planning Commission may permit replacement of a PWS tower existing at the date of adoption of this amendment<sup>[2]</sup> or subsequently erected in conformance with this chapter, provided that the following conditions are met:
- (a) The use shall be subject to the review and approval of a site plan by the Planning Commission.
  - (b) The height of the tower and antennas shall not exceed 100 feet measured from the grade at the base of the tower; provided, however, that if the base of the tower is greater than 300 feet from any lot line located in an R, RM, PND or MHP District, the tower and antennas shall not exceed 150 feet measured from the grade at the base of the tower.
  - (c) The replacement tower shall be subject to § **480-73.1C**, Standards for PWS facilities.  
<sup>[2]</sup> *Editor's Note: "This amendment" refers to Ord. No. 8293, adopted 11-6-2006.*
- (6) Personal wireless service (PWS) antennas, support structures and towers may be permitted in any district by the Township Board as a special land use, after review and recommendation by the Planning Commission, provided that it is demonstrated by an applicant that a PWS facility cannot reasonably be established as a permitted use under other sections of this chapter, subject to the following conditions:
- (a) Public hearings required for a special land use shall be held by both the Planning Commission and the Township Board in accordance with the procedure established for special land use in § **480-62B**.
  - (b) The petitioner shall demonstrate that operating requirements necessitate the location proposed and that sites or buildings where PWS facilities are permitted by this chapter are not available within the same general area. In order to evaluate these criteria, the Township may seek the advice of experts in the field for technical assistance in evaluating the proposal. The Township Board may, by resolution, establish a fee that will cover the costs of such review.
  - (c) Buildings containing equipment to support the function of the antennas may be freestanding buildings, provided they conform to the provisions of § **480-73.1C**, Standards for PWS facilities.
  - (d) Exceptions to the conditions of Subsection **B(6)(a)** and **(b)** above may be permitted by the Township Board, or the Township Board may require additional conditions, where it finds the circumstances of the site or in the surrounding area warrant different conditions.
- C. Standards for PWS facilities. The following conditions shall be applicable to PWS facilities located in any use district, in addition to other requirements set forth herein:
- (1) If equipment buildings are located on a site with other principal buildings, the entire exterior building facade shall be of finished building material that is equal to or better than the finish building material of the principal building. Such buildings shall adhere to the setback requirements of the district in which located and shall not be located in a front yard or in a yard abutting a street.
  - (2) Lattice-type construction of freestanding PWS towers shall be permitted only in the MC and I Districts or if permitted as a special land use. All towers shall be painted as determined by the Planning Commission, unless otherwise required.
  - (3) The area at the base of a tower and around any building accessory to the PWS facility shall be landscaped in accordance with a plan reviewed and approved by the Planning Commission.

- (4) The applicant shall deposit with the Township a performance guarantee in an amount established by Township Board resolution as security for the removal of the facility if abandoned or discontinued for use as a PWS facility for a period of six consecutive months or more.
- D. Liability. Personal wireless service facilities, including support structure, antennas, and towers, shall not be permitted in any zoning district unless, prior to construction, the applicant, petitioner, or person or company responsible for constructing and installing such facilities agrees in writing to hold the Township harmless against any claims as a result of permitting such facilities. Such agreement shall require that the Township be provided with proof of insurance naming the Township as an additional insured against all claims which may result during the construction of the personal wireless service facilities and all times that such facilities are in place.

## § 480-73.2. Medical marihuana.

[Added 3-21-2011 by Ord. No. 306]

A. Intent.

- (1) Voters in the State of Michigan approved a referendum authorizing the use of marihuana for certain medical conditions, being the Michigan Medical Marijuana Act, MCLA 333.26421, et seq. ("the Act").
- (2) The specified intent of the Act is to enable certain specified persons who comply with the registration provisions of the law to acquire, possess, cultivate, grow and use marihuana as well as to assist specifically registered individuals identified in the statute without being subject to criminal prosecution under state law in limited, specific circumstances.
- (3) Despite the specific provisions of the Act and the activities identified in the Act, marihuana remains a controlled substance (Schedule 1 drug) under Michigan law. The activities set forth in the Act have a potential for abuse. Such activities should be closely monitored and, to the extent permissible, regulated by local authorities.
- (4) If not closely monitored or regulated, the presence of marihuana, even for the purposes specified by the Act, may present an increase in illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of East China Township.
- (5) Nothing in this section shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for nonmedical purposes or allow any other activity relating to cultivation/growing, distribution or consumption of marihuana that is otherwise illegal.

B. Medical marijuana dispensary, grow facility, compassion club and similar operations. It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marihuana dispensary, grow facility, compassion club or similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marihuana dispensary, grow facility, compassion club or similar establishment in East China Township.

C. Registered primary caregiver. A registered primary caregiver, in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act P.A. 2008, Initiated Law, MCLA 333.26423(d) and the requirements of this chapter, shall be permitted to grow marihuana. Nothing in the chapter, or in any companion regulatory provision adopted in any other provision of the Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the general rules. Also, since federal law is not affected by the Act or general rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The Michigan Medical Marijuana Act does not protect users, caregivers or the owners of properties on which the medical use of



marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.<sup>[1]</sup> The following requirements for a registered primary caregiver shall apply:

- (1) A primary caregiver shall be prohibited from engaging in the distribution, cultivation, growing or processing of medical marihuana in any commercial or industrial zoning district;
- (2) A primary caregiver shall be required to occupy the site where medical marihuana is grown as their principal residence;
- (3) The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the general rules of the Michigan Department of Community Health, as they may be amended from time to time;
- (4) A registered primary caregiver must be located outside of a one-thousand-foot radius from any school, including child-care or day-care facility, to insure community compliance with federal drug-free school zone requirements. The radius shall be measured from a point beginning at the property line of the school site;
- (5) A registered primary caregiver must be located outside of a one-thousand-foot radius from any public or private park property or public library property (as measured from the property lines);
- (6) Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel or within an approved livable dwelling unit;
- (7) All medical marihuana shall be contained within the building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient;
- (8) All necessary building, electrical, plumbing and mechanical permits, as required by the building code, shall be obtained for any portion of the structure or accessory building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located;
- (9) That portion of the structure or accessory building where energy usage and heat exceeds typical use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the appropriate Fire Code Enforcement Officer to insure compliance with the Michigan Fire Protection Code;
- (10) The premises shall be open for inspection upon request by the appropriate Fire Code Enforcement Officer and law enforcement officials for compliance with all applicable laws and rules;
- (11) The disposal of plant material shall be done in a safe and secure manner which does not permit those without the proper permits to access or obtain any disposed plant material;
- (12) Lights utilized in the growing process that are visible from the exterior of a structure shall not be permitted to operate between the hours of 11:00 p.m. and 6:00 a.m.

[1] *Editor's Note: See 21 U.S.C. § 801 et seq.*

## Article 20. General Exceptions

### § 480-74. Essential services.

Essential services shall be permitted as authorized and regulated by law and other ordinance Code provisions of the Township, it being the intention hereof to exempt such essential services from the application of this chapter.

## § 480-75. Railroad rights-of-way.

For the purposes of this chapter, railroad rights-of-way shall be permitted as authorized and regulated by state and federal laws, it being the intention of this section to exempt railroad rights-of-way from the application of this chapter.

- A. Buildings and structures must comply. Buildings and structures intended to be erected or constructed within the railroad rights-of-way shall comply with the use, area and height regulations of the district in which it is located.
- B. Spur tracks within I Districts. Spur tracks shall be extended from railroad rights-of-way to adjacent industrial districts only when they are totally within industrial districts.

## § 480-76. Temporary use of property for voting.

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

## § 480-77. Height limitations.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires or bell towers, flagpoles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure exceeds the height limit of the district.

## § 480-78. Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this chapter, 1/2 the width of such alley abutting the lot shall be considered as part of such lot.

## § 480-79. Yard regulations.

When yard regulations cannot reasonably be complied with or where their application cannot be determined on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

- A. Multiple dwelling side yards. For the purpose of side yard regulations, a multiple dwelling shall be considered as one building occupying one lot. When more than one structure is involved on one zoning lot, the above requirement shall not negate the formula contained in Article **16, Schedule of Regulations**, pertaining to the distance spacing for multiple dwellings.
- B. Attached porch, deck, patio, or terraces (in residential districts).  
[Amended 11-2-2015 by Ord. No. 314]
  - (1) Projection into required front or rear yard. An uncovered, unenclosed deck, porch, patio or paved terrace may project into a required front yard for a distance not exceeding 10 feet, or may project into a required rear yard for a distance not exceeding 20 feet, but not to exceed a distance equal to 60% of the depth of the rear yard; provided, however, that this shall not be interpreted to include or permit fixed canopies in a required front or rear yard.
  - (2) Height. An uncovered, unenclosed deck, porch, patio or paved terrace projecting into a required front or rear yard shall not be more than two feet in height except for open,

unenclosed railings not to exceed three feet in height above the floor of the deck, porch, patio or paved terrace. Height shall be measured from the average grade along the adjacent building face.

- (3) Rear yard utilization. A deck, porch, patio or paved terrace, together with all other accessory buildings and structures, shall not occupy more than 40% of the horizontal area of the rear yard.
- C. Architectural features. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet.
- D. Access drives. For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards.
- E. Walks, terraces, or like pavement. Any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yard.

## § 480-80. Lots having river and canal frontage.

- A. Intent. The intent of this section is that yards adjacent to the water shall be as open and unobstructed as reasonably practical.
- B. Accessory buildings or structures.
- (1) Permitted in front yard. Accessory structures, including motor homes, shall be permitted between the abutting road right-of-way and the main building, provided that the minimum front yard setback requirement in Article **16, Schedule of Regulations**, of this chapter is met and that motor homes are subject to the requirements of § **480-61K**.  
[Amended 3-6-2006 by Ord. No. 289; 12-20-2010 by Ord. No. 305]
- (2) Setbacks from the water's edge. To this end, accessory buildings or structures, including boat docks, shall provide the following setbacks from the water's edge as defined by the ordinary high-water mark:
- (a) Footnote(s) of Article **16, Schedule of Regulations**, shall apply along the St. Clair River.
- (b) The setback shall be not less than 30 feet along the Belle and Pine Rivers.
- (c) The setback shall be not less than 15 feet along canals.
- (d) The Zoning Board of Appeals may permit the placement of an open, uncovered and unenclosed boat dock within the above setback if such placement would be compatible with similar facilities in the area and would not present an unreasonable obstruction to visibility with respect to safe boat movement or to views of the water from neighboring lots.
- C. Boat docks and/or boat hoists. Boat docks and/or boat hoists are permitted below the ordinary high-water mark (i.e., in the water), subject to the following conditions:
- (1) Roof. Boat docks may be covered by a roof, provided that the height of the roof does not exceed 12 feet above water level at the time of construction. If the roof is not flat, the pitch of the roof shall not exceed three in 12, unless the peak of the roof is below the height limit.
- (2) Viewing platform and railing. The roof over a boat dock or boat hoist may be used as an open, uncovered viewing platform. In no instance shall the surface of such platform be more than 15 feet above water level at the time of construction. The platform may be enclosed by a railing or fence for safety purposes, provided that any such railing or fence shall not obscure vision

to an extent greater than 20% of the overall surface of said screening device. The height of any such screen shall not exceed 42 inches above the height limit. Such structures shall not be constructed of cyclone-type fencing.

- (3) Placement. The placement of any boat docks or boat hoists shall not conflict with normal boat movements and shall also be subject to applicable Department of Environmental Quality and/or Corps of Engineers' requirements. Should any such requirements conflict, the more restrictive requirements shall apply.

D. Exceptions allowed. The following exceptions shall be allowed:

- (1) Chain link fences. Chain link fences not exceeding six feet in height shall be permitted between the river's edge and the principal building on the side lot line of any lot or parcel with river frontage, where such side street provides public access to the river. "Side lot line" is defined in Article II, Construction of Language and Definitions, of this chapter.

[Amended 4-19-2004 by Ord. No. 285]

- (2) Screening shrubbery or hedges. Screening shrubbery or hedges not exceeding six feet in height shall be permitted between the river's edge and the principal building on the side street lot line of any lot or parcel with river frontage, where such side street provides public access to the river. "Side lot line" is defined in Article II, Construction of Language and Definitions, of this chapter.

[Amended 4-19-2004 by Ord. No. 285]

- (3) Fences, planting, and berms excluded. Fences, hedges, shrubbery, bushes and berms shall not be subject to any of the terms, conditions, or provisions of this chapter if they have a height of two feet or less above grade.

E. An open, unenclosed, and uncovered porch, deck, or paved terrace may project into a required yard having river or canal frontage for a distance not exceeding 12 feet, but this shall not be interpreted to include or permit fixed canopies in a required yard. Such structures shall not exceed two feet in height, except for railings required to meet code requirements, not to exceed three feet in height above the floor of the porch, deck, or terrace. Height shall be measured from the average grade along the building face opposite and generally parallel to the river or canal frontage.

[Amended 10-20-2003 by Ord. No. 280; 11-2-2015 by Ord. No. 314]

## § 480-81. Children's play equipment.

For the purposes of this chapter, children's play equipment such as swing sets, climbing structures and the like shall not be subject to the requirements of § 480-61, Accessory buildings and structures. Children's playhouses shall be permitted subject to the following conditions:

- A. Any playhouse shall have a pitched roof.
- B. Such structure shall not exceed a height of six feet measured from the grade to the peak of the roof.
- C. Such structure shall not exceed 36 square feet in area.

## Article 21. Signs

### § 480-82. General sign regulations.

- A. Public rights-of-way or easements. No sign, except those established and maintained by the Township, county, state or federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

- B. Directly painted on wall; supergraphics. Signs shall not be permitted to be painted directly on the wall of a building. Supergraphics, when not portraying a product, service or business name, are permitted subject to the approval of the Planning Commission.
- C. Street corners. No signs or billboards shall be located on any street corner which would obscure the vision of drivers using said street and which would conflict with traffic-control signals at the intersection of any streets.
- D. Directional signs. All directional signs required for the purpose of orientation when established by the Township, county, state, or federal government shall be permitted in all use districts.
- E. Temporary signs. The Township Board may authorize temporary signs in any zoning district for public, charitable, religious or other community-oriented special events after the review of the type of sign, size, location, copy, lighting, height, construction, and duration of use. The Township Board may also require a bond to provide for the removal of such a sign.
- F. Nonaccessory signs. Nonaccessory signs shall be permitted only in the I-1 and I-2 Industrial Districts as provided for in this article, except that nonaccessory signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes within a subdivision located within the Township may be permitted on a temporary basis in any use district, subject to the following conditions:
  - (1) Such signs shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all codes and Ordinance Code provisions.
  - (2) Applications to erect a temporary real estate sign shall be reviewed and approved by the Planning Commission. In its consideration, the Planning Commission shall establish the duration for the sign's existence.
- G. Signs shall be subject to the provisions of § 480-67, Exterior lighting.

## § 480-83. Schedule of Sign Regulations.

The **Schedule of Sign Regulations**, and the notes appended thereto, are included at the end of this chapter.

## § 480-84. Permits for signs.

- A. No sign shall be erected or installed unless and until a permit therefor has been issued by the Building Official except for the following signs:
  - (1) A sign in any residential district that indicates the name of the resident.
  - (2) Real estate signs used for advertising land or buildings for rent, lease or sale and when located on the land or building intended to be rented, leased or sold.
  - (3) Political signs.
- B. Any sign requiring a permit shall also be subject to all other applicable codes and Ordinance Code provisions of the Township.

## Article 22. Administration and Enforcement

## § 480-85. Conformance with provisions of chapter required.

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

## § 480-86. Duties of Building Official.

The provisions of this chapter shall be administered and enforced by the Building Official, or his deputies, or such other official or officials as may be designated by the Township Board. Specific duties of the Building Official include the following:

- A. Grant permits and make inspections. The Building Official shall have the power to grant zoning compliance and occupancy permits and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter.
- B. Inspect plans for conformance. It shall be unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this chapter.
- C. Record nonconforming uses. The Building Official shall record all nonconforming uses existing at the effective date of this chapter for the purpose of carrying out the provisions of Article 18, Nonconforming Situations.
- D. Carry out terms of chapter. Under no circumstances is the Building Official permitted to make changes to this chapter, nor to vary the terms of this chapter, in carrying out his duties as Building Official.
- E. Issue permits if in compliance with chapter. The Building Official shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

## § 480-87. Plot plans and grading plans.

[Amended 3-3-2008 by Ord. No. 297]

- A. The Building Official shall require that all applications for building permits be accompanied by plans and specifications, including a plot plan, in triplicate, drawn to scale, showing the following;
  - (1) Legal description of the property.
    - (a) Address of the property, owner's name and telephone number.
    - (b) North arrow and location map.
    - (c) The actual shape, location, and dimensions of the lot, including all easements.
    - (d) The location of all utility lines, poles, manholes and appurtenances. Also, the location of all features such as fences, trees, sidewalks, patios, driveways. For a residential accessory structure, this information may be limited to the area within 20 feet of the proposed structure.
  - (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and all existing buildings and other structures on the lot.
  - (3) The existing and intended use of the lot and all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
  - (4) A grading plan prepared by a registered engineer or licensed surveyor. A grading plan is not required if the Building Official confirms no grade change will occur. Such plan shall include:

- (a) Existing and proposed topography using spot elevations, flow arrows, and contour lines to clearly indicate existing and proposed drainage patterns for the entire site and all abutting land within 10 feet of the property lines. The topographic data shall extend to the edge of the road surface where the property abuts road right-of-way.
  - (b) Elevations for proposed structures or structures to remain, including basement and first floor elevations.
  - (c) Two permanent benchmarks, which will not be disturbed during construction and are tied to USC and GS datum.
  - (d) Invert elevation, rim elevation, percentage of grade and manhole locations for all storm and sanitary sewers.
  - (e) Plan and details of proposed drainage structures.
  - (f) Designer's seal, signature, address and phone number.
- (5) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- B. The following standards shall apply to grading plans:
- (1) The ground should be sloped away from buildings at a grade of 5% for a distance of 10 feet.
  - (2) Yard slopes should be at least 1% and not more than 3% unless necessary due to existing topography.
  - (3) Where practical, existing drainage onto adjoining parcels shall be eliminated.
  - (4) There shall be no increased volume or concentration of drainage onto adjoining properties unless a drainage easement is first obtained. A copy of the recorded easement shall be provided to the Township before a permit is issued.
  - (5) Existing drainage from adjacent properties shall be accommodated without restriction or interference.
  - (6) Proposed elevations shall match the existing elevation at the property lines.

## § 480-88. Permits; certificate of occupancy.

- A. No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.
- B. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- C. No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Charter Township of East China Building Code, Housing Law, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
- D. The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection.
- E. Landfill permit. A landfill permit shall be obtained in accordance with the provisions of the East China Township Code of Ordinances for all grading involving filling the site with 20 or more cubic

yards of earth procured from off the site.  
[Amended 3-3-2008 by Ord. No. 297]

## § 480-89. As-built drawings.

[Amended 3-3-2008 by Ord. No. 297]

- A. Prior to the issuance of a final certificate of occupancy, one set of as-built plans must be submitted to the Township. The purpose of the as-built drawing is to clearly identify the location of permitted improvements and, if applicable, demonstrate compliance with the grading plan. Such plans shall be drawn with an accuracy of +/- one foot horizontal, +/- one hundredth of one foot vertical, sealed and signed by a registered architect, engineer or land surveyor, bearing the date the survey was completed and shall include the following:
- (1) The location and elevation of all buildings.
  - (2) The location and elevations of drainage structures and pipes, water service leads and shutoff valves, and sanitary sewer leads and cleanouts that were constructed or altered as part of the permitted improvements. Locations of such structures shall be referenced by two-dimensional ties to permanent features such as building corners or property irons.
  - (3) The actual elevations, contours and drainage patterns in comparison with all of the approved elevations.
- B. The Township shall either accept the as-built drawing if it is found to be in substantial compliance with the approved plan, or, within 30 days' notification, the applicant shall make all necessary corrections and provide a revised as-built drawing to the Township.

## § 480-90. Certificates of occupancy.

- A. No land, building, or part thereof shall be occupied by or used for any purpose unless and until a certificate of occupancy shall have been issued for such use.
- (1) No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
  - (2) No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
  - (3) Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but maybe included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- B. The following shall apply in the issuance of any certificate:
- (1) No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
  - (2) Certificates of occupancy as required by the Township Building Code. (See Chapter **172**, Building Construction.) For new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.  
[Amended 3-3-2008 by Ord. No. 297]
- C. A record of all certificates issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in



the property involved.

- D. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof.

## § 480-91. Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter maybe collected by the Township in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and should cover the cost of administration of this chapter.

## § 480-92. Public hearings.

Whenever any section of this chapter refers to this section, notice of a public hearing shall be given in accordance with Public Act No. 184, as amended.<sup>[1]</sup>

[1] *Editor's Note: See Act No. 184, PA 1943 (MCLA § 125.271 et seq.).*

## § 480-93. Violations and penalties.

- A. The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be responsible for a separate infraction and upon a finding of responsibility therefor shall be liable for the fine(s) as herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- B. Any person, firm or corporation violating any of the provisions of this chapter shall be responsible for a municipal civil infraction, shall be subject to a fine for each infraction as established by the Township Board, along with the costs for prosecution. The imposition of any penalty shall not exempt the offender from compliance with the requirements of this chapter.

## § 480-94. Abatement of public nuisance.

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

## § 480-95. Minimum requirements adopted.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare.

## § 480-96. Nonexclusiveness of application.

It is not intended by this chapter to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter

imposed a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

## § 480-97. Greater conflicting regulations control.

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

## § 480-98. Vested rights subject to amendment.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

## § 480-99. Changes or amendments by Township Board.

The Township Board may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement or change the district boundaries of the regulations herein, or subsequently established herein, pursuant to the authority and procedure established in Act 184 of the Public Acts of 1943, as amended.<sup>[1]</sup>

[1] *Editor's Note: See MCLA § 125.271 et seq.*

## § 480-100. Designated to perform zoning duties.

The Township Planning Commission is hereby designated as the Commission specified in Section 11 of Act 168 of the Public Acts of 1959,<sup>[1]</sup> and shall perform the duties of said Commission as provided in the statute.

[1] *Editor's Note: See MCLA § 125.331.*

## § 480-101. Performance guarantee.

[Added 1-7-2013 by Ord. No. 308]

- A. To ensure compliance with this chapter and any condition imposed hereunder, the Township Board, Planning Commission, and/or Building Official may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township, covering 50% of the estimated costs of improvements associated with a project for which site plan approval is sought, be deposited with the Township to ensure faithful completion of the improvements.
- B. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity or project or prior to the issuance of a temporary certificate of occupancy. The Township may utilize the Township Engineer in reviewing or establishing the estimated cost of improvements for the project. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.
- C. As used in this section, "improvements" means those features and actions associated with a project that are considered necessary by the body or official granting approval to protect natural

resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping and drainage.

## Article 23. Zoning Board of Appeals

### § 480-102. Membership; terms; officers.

- A. There shall be a Township of East China Zoning Board of Appeals appointed by the Township Board as prescribed or delegated to it under specific provisions of this chapter. The Zoning Board of Appeals shall consist of five members.
- (1) Planning Commission member. The first member of the Zoning Board of Appeals shall be a member of the Planning Commission of the Township of East China.
  - (2) Elected Trustee. The second member shall be an elected Trustee of the Township Board and shall not serve as Chairperson of the Zoning Board of Appeals.
  - (3) Appointed electors. The remaining three members of the Zoning Board of Appeals shall be appointed by the Township Board from among electors residing in the Township outside of incorporated cities and villages.
  - (4) Employees or contractor excluded. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.
- B. Term of membership. The term of each member of the Zoning Board of Appeals shall be for three years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them.
- (1) Staggered terms. When members are first appointed, the appointments may be for less than three years to provide for staggered terms.
  - (2) Vacancies. 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.
- C. Officers. The members of the Zoning Board of Appeals shall annually elect a Chairperson, Vice Chairperson, and Secretary. An elected officer of the Township shall not serve as Chairperson of the Zoning Board of Appeals.

### § 480-103. Meetings; hearings.

- A. At the call of the Chairperson. All meetings of the Township Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify.
- B. Hearings open to public. The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. All hearings conducted by said Board shall be open to the public.
- C. Notify interested parties. It shall, by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all owners of record of property and the occupants of all single-family and two-family dwellings within 300 feet of the premises in question, such notices to be delivered personally or by mail addresses to the respective owners at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The Board

may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

- D. Subpoena power; administering of oaths. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
- E. Concurring majority vote required. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of the Building Official, or to decide in favor of an applicant any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.
- F. Adopt procedure rules; record proceeding. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, which shall be a public record.

## § 480-104. Appeal of decision.

- A. Right to appeal. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the Building Official.
- B. Procedure for appeal.
  - (1) Notice of appeal filed. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Official and with the Board of Appeals a notice of appeal, specifying the grounds thereof.
  - (2) Transmittal of pertinent documents. The Building Official shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
  - (3) Notice of public hearing. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties.
  - (4) Right to testify. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
  - (5) Decision without unreasonable delay. The Board shall render a decision on the appeal without unreasonable delay.
- C. Voluntary versus court-ordered stay. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order which may be granted by a court of record.

## § 480-105. Fees for appeals.

The Township Board may from time to time prescribe and amend by resolution a reasonable Schedule of Fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township.

## § 480-106. Jurisdiction.

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this chapter, but the Zoning

Board of Appeals does have power to act on those matters where this chapter provides for an administrative review, interpretation, exception, or special approval permit, and to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:

- A. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Official, or any other administrative official, in carrying out or enforcing any provisions of this chapter.
- B. To hear and decide, in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this chapter specifically authorizes the Board to pass. Any exception or special approval shall be subject to such condition as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:
  - (1) Interpret Zoning Map. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map, fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
  - (2) Permit public utility uses. Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
  - (3) Permit modifying parking and loading space. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
  - (4) Permit modifying height and area regulations. Permit such modifications of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
  - (5) Permit temporary buildings and uses. Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the Township and for periods not to exceed six months in developed sections.
  - (6) Permit temporary use. Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of twelve-month extensions being permissible uses which do not require the erection of any capital improvement of a structural nature. The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:
    - (a) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted;
    - (b) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit;
    - (c) All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of East China Charter Township shall be made at the discretion of the Board of Appeals;
    - (d) In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land or recreation developments such as, but not limited to, golf driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems, or sanitary connections;
    - (e) The use shall be in harmony with the general character of the district;

- (f) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this chapter. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
- (7) Permit modification of wall requirements. Permit modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
- (8) Permit decks which exceed height limits. Permit construction of a deck within a required setback area that exceeds the height limitations of § **480-83**, Yard regulations, in situations where the deck will not obscure or interfere with the view from adjacent property across the required yard because of special circumstances relating to topography, vegetation, or other existing features that make such exception reasonable. Plans showing dimensions of structures, topography, and adjoining structures or buildings shall be submitted to aid the Board in its decision.
- C. Variance. Upon an appeal, a variance from the strict applications of the provisions of this chapter may be granted by the Zoning Board of Appeals when strict enforcement of this chapter would cause undue hardship or practical difficulty owing to circumstances unique to the individual property on which the variance is granted. Unique circumstances to a specific piece of property may include exceptional narrowness, shallowness, shape, area or exceptional topographic conditions that existed at the time of enactment of this chapter. Relief may be granted, provided it does not cause substantial detriment to the public good and does not substantially impair the intent and purpose of this chapter.
- (1) Attachment of conditions. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter.
- (2) Statement of justifying grounds. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.
- (3) Determinations. In consideration of all appeals and all proposed variations to this chapter, the Board shall, before making any variations from this chapter in a specific case, first determine that the proposed variation will not:
- (a) Impair an adequate supply of light and air to adjacent property; or
  - (b) Unreasonably increase the congestion in public streets; or
  - (c) Increase the danger of fire or endanger the public safety; or
  - (d) Unreasonably diminish or impair established property values within the surrounding area; or
  - (e) In any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Charter Township of East China.
- (4) Majority vote required. The concurring vote of three members of the Board shall be necessary to reverse any other requirements, decision, or determination of the Building Official, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision.
- (5) Township Board retains legislative power. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this chapter or the Zoning Map, such power and authority being reserved to the Township Board of the Charter Township of East China in the manner provided by law.
- (6) Discretionary authority of Board. In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify the orders, requirement, decision or determination

appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Building Official from whom the appeal is taken.

## § 480-107. Duration of order.

- A. Erection of a building. No order of the Board permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- B. Use of a building or premises. No order of the Board permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.