

**Chapter 40
ZONING¹**

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¹ **State Law reference**—Michigan zoning enabling act, MCL 125.3101 et seq.; municipal planning, MCL 125.31 et seq.; township planning, MCL 125.321 et seq.

ARTICLE I. IN GENERAL

40-1. Short title.

This chapter shall be known and may be cited as "The Charter Township of Port Huron Zoning Ordinance" or "The Charter Township of Port Huron Zoning Regulations." Within the following text it may be referred to as the "ordinance" or the "zoning regulations."

(Ord. No. 147-43, § 1.001, 12-15-2003)

40-2 Rules of construction.

The following rules of construction apply to the text of these zoning regulations:

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

- a. The term "and" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. The term "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. The term "either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (12) Catchwords and catchlines shall in no way by their presence or absence limit or affect the meaning of these zoning regulations.
- (13) Unless the context clearly indicates to the contrary, where an illustration accompanies any item within these zoning regulations, the written text shall have precedence over said illustrations.
- (14) The intent, when spelled out in a section, dictates the meaning of any regulation.

(Ord. No. 147-43, § 1.002, 12-15-2003)

40-3 Definitions.

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

Accessory use, building or structure means a use, building or structure that is clearly incidental to, customarily found in connection with, subordinate to and is located on the same zoning lot as the principal use, building and/or structure to which it is exclusively related.

Adult book or supply store means an establishment having ten percent or more of all usable interior, retail, wholesale or warehouse space devoted to the distribution, display or storage of books, magazines and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, other electronic media and/or novelty items that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult care. See State licensed residential facility.

Adult model studio means any place where models who display specified anatomical areas (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

Adult motion picture arcade means any place where motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to specified sexual activities or specified anatomical areas (as defined herein).

Adult motion picture theater means an enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed that is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult outdoor motion picture theater means a drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult physical culture establishment.

(1) Adult physical culture establishment means any establishment, club or business by whatever name designated, that offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person. A tattoo parlor as defined herein is specifically included as an adult physical culture establishment.

(2) The following uses shall not be included within the definition of an adult physical culture establishment:

- a. Establishments that routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse or any other similarly licensed medical professional;
- b. Electrolysis treatment by a licensed operator of electrolysis equipment;
- c. Continuing instruction in martial or performing arts, or in organized athletic activities;
- d. Hospitals, nursing homes, medical clinics or medical offices;
- e. Barbershops or beauty parlors and salons that offer therapeutic massage, by licensed and certified personnel, of the face, the neck or the shoulders only; and

- f. Adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas.

Aerial balloons means balloons, inflatable figures or inflatable objects that are anchored or affixed to any one location, property, structure or building and used solely to advertise the sale or rental of any product, property or service. Balloons that are typically hand-held shall not be subject to regulation under this chapter.

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

Alteration means any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns or beams or girders, or any change that may be referred to herein as altered or reconstructed.

Ancillary solar equipment (ASE) shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, water heaters or other equipment requested or necessary for system operation.

Animal hospital. See *Clinic, veterinary.*

Apartment. See *Dwelling, multiple-family.*

Arcade means any place, premises, establishment or room within a building that provides on its premises three or more machines that may be operated or used as a game, contest or for amusement of any description. For the purposes of this definition, the term "machine" shall mean any device, apparatus, electrical or mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption.

Architectural features means the components of construction, either permanent or temporary, that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to, arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings and canopies.

Attached wireless telecommunication facility (antennas) means any wireless telecommunication facility affixed to an existing structure, such as a building, tower, water tank, utility pole, etc., utilized to receive and transmit federally or state licensed telecommunications services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

Attic means the space between the ceiling beams of the top habitable floor and the roof.

Automobile, unless specifically indicated otherwise, means any self-propelled vehicle including, by way of

example, cars, trucks, vans, motorcycles and the like.

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

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

Automobile or vehicle sales means a building or premises used primarily for the sale of new and used automobiles and other motor vehicles including the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks and other vehicles.

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

Major repair means engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust-proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing of the automobiles on the premises overnight.

Minor repair means engine tune-ups and servicing of brakes, air conditioning or exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing of the automobiles on the premises overnight.

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

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

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

Basement means that portion of a building that is partially or totally below grade, but is so located that the vertical distance from the average finished grade to the floor below is greater than the vertical distance from the average finished grade to the ceiling. This definition shall include a cellar that may be below grade with an entrance separate from the principal building but shall not apply to earth-bermed or earth-sheltered homes. A

basement shall not be counted as a story.

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

Berm. See Landscaping.

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

Board of appeals. See Zoning board of appeals.

Boardinghouse or roominghouse means a building, other than a hotel, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three or more persons. A roominghouse shall be deemed a boardinghouse for the purposes of these zoning regulations.

Border treatment means a low barrier of natural or artificial materials located near the perimeter of a residential lot. Artificial materials commonly included in border treatment construction include wood, wire, metal or any other material or combination of materials commonly used in fence construction. Natural materials commonly used for creation of a border treatment include deciduous and evergreen shrubs.

Building means any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels or property or materials of any kind. A building shall include tents, awnings, semi-trailers or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, coal bunkers, oil cracking towers or similar structures.

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

Building area. See Building envelope.

Building envelope means the area of a lot that is defined by the minimum setback requirements within which building construction is permitted by the terms of these zoning regulations.

Building height means the vertical distance measured from the finished grade to:

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

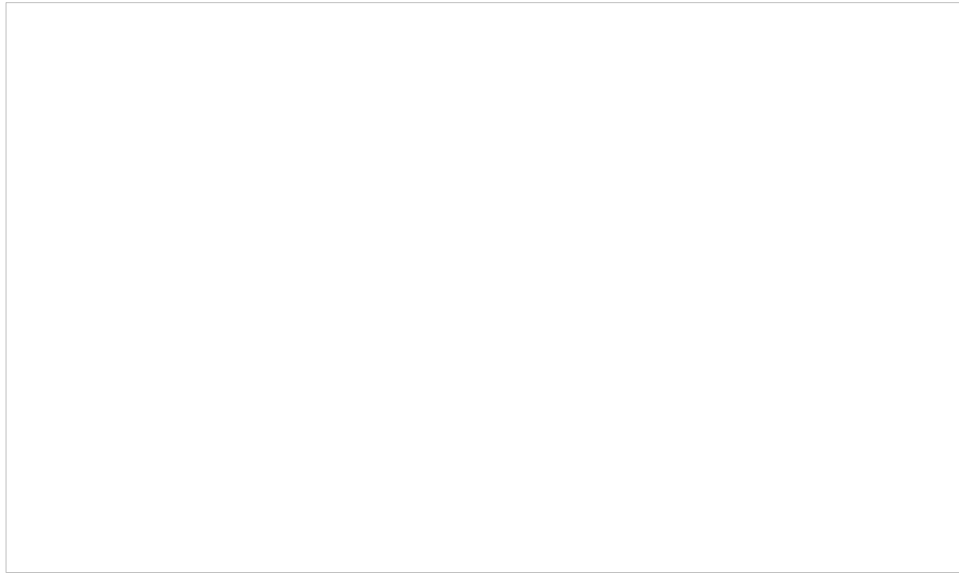
- (4) Seventy-five percent of the height of an A-frame.

Where a building is located on sloping terrain, the height shall be measured from the average finished ground level grade of the building wall. See Grade.



BUILDING HEIGHT REQUIREMENTS

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



BUILDING LINE

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

Building, principal or main, means a building or, where the context so indicates, a group of buildings that are permanently affixed to the land and that are built, used, designed or intended for the shelter or enclosure of the principal use of the parcel.

Building, temporary, means a building that is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements of current adopted state construction code of the township.

Bulk means the term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets and other buildings; gross floor area of buildings in relation to lot area; open space; and the amount of lot area required for each dwelling unit.

Business scale SES shall mean a single or multiple solar energy conversion system(s) consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics that will only be used to produce utility power for on-site use for all business, industrial, PSP, PUD or multifamily residential zoning districts, which will require site plan or special use approval by the planning commission (PC) based on compliance with the enclosed standards listed.

Cabaret means an establishment where live entertainment such as, but not limited to, comedy or theater is provided, presented, permitted or performed, and the performances may be distinguished or characterized by an

emphasis on or relationship to specified sexual activities or specified anatomical areas (as defined herein) for observation by or participation of patrons therein. Also, an establishment that features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

Campground or trailer court means any parcel or tract of land upon which two or more travel trailers, truck campers, tents or other similar portable units are placed, regardless of whether a charge is made thereof. The term also includes any building, structure, enclosure, driveway, equipment or facility used or designed and intended for use incident to temporary living purposes in connection with the recreational pursuits or mode of travel of the general public.

Cellar. See *Basement*.

Cemetery means land used for the burial of the dead, including a columbarium, crematorium and/or mausoleum.

Child care center means a facility, other than a private residence, receiving minor children for care, maintenance, training and supervision for a period of less than 24 hours a day where the parents or guardians of these children are not immediately available. This definition encompasses a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility may also be described as a day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center.

Church means any structure, regardless of name or title, wherein persons regularly assemble for religious activity.

Clinic, medical, means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by physicians, dentists or similarly licensed professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Clinic, veterinary, means an institution that is licensed by the state department of health to provide for the care, diagnosis and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services and offices.

Club or fraternal organization means a group of persons organized for the purpose of participating in and/or the advancement of sports, arts, science, agriculture, literature, politics or similar activities, but is not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a club in these zoning regulations.

Commercial use means the use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in these zoning regulations, the term "commercial use" shall not include industrial, manufacturing or wholesale businesses.

Comprehensive development plan or master plan means a document that is prepared under the guidance of the township planning commission and consists of graphic and written materials that indicate the general location for streets, parks, schools, public buildings and all physical development of the township (the current plan is the "Comprehensive development plan" adopted by the township planning commission in October 1996, as amended).

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

Common elements means portions of the condominium project other than the condominium units.

Condominium Act means Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Condominium lot means that portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the schedule of regulations of these zoning regulations.

Condominium subdivision plan means drawings and information that show the size, location, area and boundaries of each condominium unit, building locations, the nature, location and approximate size of common elements, and other information required by section 66 of Public Act No. 59 of 1978 (MCL 559.166).

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

Contractible condominium means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these zoning regulations and the condominium act.

Conversion condominium means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

Convertible area means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these zoning

regulations and the condominium act.

Expandable condominium means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these zoning regulations and the condominium act.

General common elements means common elements other than the limited common elements, intended for the common use of all co-owners.

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

Master deed means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

Site condominium project means a condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in these zoning regulations.

Congregate housing. See Housing for the elderly.

Contractor's yard means a site on which a building or construction contractor stores equipment, tools, vehicles, building materials and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Convalescent home. See Nursing home.

Convenience store means a retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). Convenience stores are designed to attract a large volume of stop-and-go traffic.

Co-op (cooperative) housing means a multiple dwelling owned by a corporation that leases its units to stockholders on a proprietary lease arrangement.

Court means an open, uncovered, unoccupied space, other than a yard, partially or wholly surrounded on at least two sides by building walls. A court having at least one side open to a street, alley, yard or other permanent open space is an outer court. Any other court is an inner court.

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

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

Density means the number of dwelling units per acre of land.

Gross density means the number of units per acre of total land being developed.

Net density means the number of units per acre of land devoted to residential use.

Detention basin means a manmade or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or manmade outlets.

Development means the construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Display, outside, means the outdoor standing or placement of immediately usable goods which are available for sale, lease or rental and which are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

Distribution center means a use that typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District, zoning, means a portion of the unincorporated area of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas and other requirements are established under the provisions of these regulations.

Drive-in means any business establishment so designed that its operation involves providing a service or a product to patrons while they are in their car, rather than within a building or structure.

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

Driveway means a passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe-shaped drive or a "T" shaped drive located within a front yard is included within this definition.

Dwelling means any building, or part thereof, containing sleeping, kitchen and bathroom facilities designed for

and occupied by one family. In no case shall a travel trailer, motor home, automobile, tent or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of these zoning regulations.

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

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

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

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

- (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
- (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- (3) The structure is designed for use as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Dwelling, mobile home, means a structure, transportable in one or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered mobile homes for the purposes of these zoning regulations. A mobile home is a type of manufactured housing.

Dwelling, multiple-family, means a building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwelling units include those commonly known as apartments, which are defined as follows:

Apartment means an attached dwelling unit with party walls, contained in a building with other apartment units that are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants, may often have a central heating system and other central utility connections, and typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.

Efficiency unit or studio apartment means a type of multiple-family or apartment unit consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets and/or a dining alcove located directly off the principal room.

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

Dwelling, two-family or duplex, means a detached building, designed exclusively for and occupied by a maximum of two families living independently of each other, with separate housekeeping, cooking and bathroom facilities for each.

Dwelling unit means one or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

Dwelling unit, single-family attached or townhouse, means an attached single-family dwelling unit with party walls, designed as part of a series of three or more dwellings, with its own door that opens to the outdoors, typically having its own basement, utility connections and front and/or rear yard. Townhouses are also known as row houses.

Earth-sheltered home means a building constructed partially below the surrounding average finished grade that is designed to conserve energy and is intended for use as a single-family dwelling.

Easement means a right-of-way granted, but not dedicated, for limited use of private land for a public or quasipublic purpose and within which the owner of the property shall not erect any permanent structures.

Enforcement official means the person with the responsibility for enforcing and administering requirements of applicable sections of these zoning regulations. The enforcement official may be referred to as the zoning administrator, building official or other appropriate party so designated by the township board. Such titles do not refer to a specific individual, but generally to the office, department or township official most commonly associated with the administration of the regulation being referenced.

Engineer, township, means the person or firm authorized to advise the township administration, township board and planning commission on drainage, grading, paving, stormwater management and control, utilities and other related site engineering and civil engineering issues. The township engineer may be a consultant or an employee of the township.

Erected means any physical change on a site, including construction, reconstruction or alteration of buildings or structures thereon. Excavation, fill, drainage and the like shall be considered part of erection.

Essential services means the erection, construction, alteration or maintenance by public or quasipublic utilities

or municipal departments or township-certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply or disposal, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar equipment, that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities, or wireless telecommunication facilities that are used solely for private commercial purposes. Essential services shall include the use of land, buildings and structures for municipal facilities that have been approved by the township board, after receiving a report and written recommendation from the township planning commission.

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

Exception means an exclusion from the normal zoning ordinance rules and regulations for the purposes of permitting particular uses or structures that are considered essential or appropriate in certain locations or under certain conditions. A variance is not required for uses or structures that are permitted because of an exception.

Family.

(1) The term "family" means:

- a. One or more persons related by blood, marriage or legal adoption, plus up to a total of three additional persons not so related who are either domestic servants or gratuitous guests, occupying a single dwelling unit and living as a single nonprofit housekeeping unit; or
- b. A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing, nontransient, domestic character and who are cooking and living as a single, nonprofit housekeeping unit.

(2) This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Family day care home means a private home in which one or more, but fewer than seven, minor children are received for care and supervision for periods of less than 24 hours a day, attended by other than a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family day care home" includes a home that gives care to an unrelated minor child for more than four weeks during the calendar year.

Farm means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural

activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. The interpretation of this definition shall be consistent with the Michigan Right to Farm Act, Public Act 93 of 1981 (MCL 286.471 et seq.) and, except to the extent expanded herein, the minimum requirements of the Generally Accepted Agricultural and Management Practices (GAAMPs) promulgated by the Michigan Commission of Agriculture and Rural Development, as may be amended from time to time.

Farm animals means those nonplant items recognized as "farm products" so defined in the Michigan Right to Farm Act at MCL 286.472(c), except as otherwise provided herein.

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

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

Floodplain means that area of land adjoining the Black River, its tributaries and other natural watercourses within the township which are subject to seasonal or periodic flooding as established by the profiles in the most current report of the "Soil Survey of St. Clair County, Michigan" and/or a flood insurance study by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100-year flood boundary). A floodplain shall not necessarily include a drainage district established by the county.

Floor area, gross, means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

Floor area, net. See *Floor area, usable residential*, and *Floor area, usable nonresidential*.

Floor area, usable nonresidential, means the gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings that have the potential to become usable for human habitation measured from the interior face of the exterior walls, but excludes the horizontal floor area of utility rooms, mechanical equipment rooms, unfinished attics, enclosed porches, dedicated storage areas, light and ventilation shafts, public corridors, public stairwells and public toilets. This definition is typically used to compute parking requirements. Refer to the sketch for an example.



FLOOR AREA OF COMMERCIAL, OFFICE AND SIMILAR NONRESIDENTIAL USES

Floor area, usable residential, means the gross floor area minus areas in basements, unfinished attics, attached garages and enclosed or unenclosed porches.

Fortune telling and similar uses means and includes telling fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force including, but not limited to, clairvoyance, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind reading telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing or magic of any kind or nature.

Foster care home. See State licensed residential facility.

Foster child means a child unrelated to a family by blood or adoption with which he lives for the purposes of care and/or education.

Fraternal organization. See Club.

Frontage means that portion of any property abutting a private or public street or a waterway. A corner lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

Garage, private, means an accessory building used for the parking or storage of motor vehicles owned and used solely by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure, but shall be located on the same zoning lot as the principal structure.

Garage, public. See Automobile repair garage.

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

Grade means the ground elevation established for the purpose of regulating the number of stories or height of a building or structure. The grade shall be the level of the ground adjacent to the walls of the building or structure if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt. See Landscaping.

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

Group home. See State licensed residential facility.

Gym or gymnasium means a room or building equipped for gymnastics, exercise or sport.

Hazardous materials and chemicals means all highly flammable materials or products that may react to cause a fire or explosion hazard; or that because of their toxicity, flammability or liability for explosion render fire fighting abnormally dangerous or difficult. This also includes flammable liquids or gases that are chemically unstable and that may spontaneously form explosive compounds or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials and chemicals shall include flammable

solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials and poisonous gases that have a degree of hazard rating in the health, flammability or reactivity of three or four as ranked by NFPA 704 and as adopted by the township and/or all items that are regulated as hazardous materials under Public Act No. 451 of 1994 (MCL 324.101–324.90106).

Hazardous uses means all uses that involve the sale, manufacture, processing or significant storage of materials and/or chemicals defined as hazardous materials or hazardous chemicals according to these regulations.

Height of building. See Building height.

Highway. See Street.

Home occupation means an occupational activity conducted entirely within a dwelling by the inhabitants thereof that is clearly incidental to the principal use of the dwelling as a residence and defined within these regulations.

Hospital means an institution that is licensed by the state to provide inpatient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as laboratories, medical testing services, training facilities, central service facilities and staff offices, staff dormitories or other staff living accommodations.

Hospital, veterinary. See Clinic, veterinary.

Hotel means a building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, and that typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, the use of furniture, a dining room and general kitchen, and meeting rooms.

Housing for the elderly means a facility other than a hospital, hotel or nursing home that primarily provides housing to nontransient persons who are 55 years of age or older. Housing for the elderly may include the following:

Congregate housing means a type of semi-independent housing facility containing congregate kitchen, dining and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

Elderly housing complex means a building or group of buildings containing dwellings where the occupancy is restricted to persons 55 years of age or older or couples where either the husband or wife is 55 years of age or older.

Senior apartments means multiple-family dwelling units occupied by persons 55 years of age or older.

Ice cream parlor means a retail establishment whose business is limited to the sale of ice cream, frozen desserts, dessert items, candies and confections, and beverages in a ready-to-eat state. Businesses serving hot dogs, hamburgers, salads, pizza, hot or cold sandwiches, or similar entree items are not considered ice cream parlors for the purposes of these zoning regulations.

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

Indoor recreation center means an establishment that provides indoor exercise facilities and indoor court sports facilities, and that may include spectator seating in conjunction with the sports facilities. For the purposes of these zoning regulations, a bowling establishment shall be considered a type of indoor recreation center.

Industry, heavy, means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or products, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

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

Ingress and egress, as used in these zoning regulations, means a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building or another location.

Junk means any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated or are in a condition that prevents their use for the purpose for which the product was manufactured.

Junkyard or salvage yard means an area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

Kennel, commercial, means any lot or premises on which three or more dogs, cats or other domestic animals six months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection or pets, subject to the regulations set forth herein regulating commercial kennels.

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

Landscaping means the grading and/or treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative manmade materials such as wood chips, crushed stone, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

Berm means a continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of these zoning regulations.

Grass means any of a family of plants with narrow leaves normally grown as permanent lawns in the county.

Greenbelt means a strip of land of definite width and location reserved for the planting of a combination of shrubs, trees and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these zoning regulations.

Ground cover means low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

Hedge means a row of closely planted shrubs or low-growing trees that commonly form a continuous visual screen, boundary or fence.

Hydro-seeding means a method of planting grass where a mixture of the seed, water and mulch is mechanically sprayed over the surface of the ground.

Interior parking lot landscaping means a landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the parking area.

Mulch means a layer of wood chips, dry leaves, straw, hay, plastic or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place or aid plant growth.

Nurse grass means any of a variety of rapidly-growing annual or perennial grasses used to quickly establish ground cover to prevent dust or soil erosion.

Ornamental tree means a deciduous tree that is typically grown because of its shape, flowing characteristics or other attractive features, and that grows to a mature height of 25 feet or less.

Screen or screening means a wall, wood fencing or combination of plantings of sufficient height, length and

opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

Shrub means a self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy and less than 15 feet in height.

Sod means an area of grass-covered surface soil held together by matted roots.

Tree means a self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem that normally grows to a mature height of 15 feet or more in the county.

Deciduous tree means a variety of tree that has foliage that is shed at the end of the growing season.

Evergreen tree means a variety of tree that has foliage that persists and remains green throughout the year.

Shade tree, for the purposes of these zoning regulations, means a deciduous tree that has a mature crown spread of 15 feet or greater under typical growing conditions for the county, and has a trunk with at least five feet of clear stem at maturity.

Vine means a plant with a flexible stem supported by climbing, twining or creeping along the surface, and that may require physical support to reach maturity.

Livestock means those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, those animals and classes of animals listed in the chart at section [40-699\(4\)](#). Livestock does not include dogs and cats.

Loading space means a space that is safely and conveniently located on the same lot as the building being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot or zoning lot, for the purposes of enforcing these zoning regulations, means a piece of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access and open space as required herein. Single ownership may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy or any similar entity. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of any one of the following:

- (1) Single lot of record.
- (2) Portion of a lot of record.

- (3) Combination of lots of record or portion thereof.
- (4) Condominium lot.
- (5) Parcel or tract of land described by metes and bounds.

Lot area, gross, means the net lot area plus one-half of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

Lot area, net, means the total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with minimum lot area standards.

Lot, contiguous, means lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or manmade barrier shall not be considered contiguous.

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

Lot coverage means the part or percentage of the lot that is occupied by all buildings and/or structures. The percentage is determined by dividing the ground floor area of all buildings and structures on a lot by the net lot area.

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

Lot, double frontage or through, means a lot other than a corner lot having frontage on two more or less parallel streets or a waterway and street. In the case of a row of double frontage lots, one street shall be designated as the front lot line for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or more of the streets or waterway, the required minimum front yard setback shall be observed on the street or waterway where buildings presently front.

Lot, flag, means a lot that is located behind other parcels or lots fronting on a public road, but that has a narrow extension to provide access to the public road.

Lot, interior, means any lot other than a corner lot with only one lot line fronting on a street.

Lot lines means the lines defining the limits of a lot as follows:

Front lot line means, in the case of an interior lot, the line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the front lot line shall be that line that separates said lot

from the right-of-way for the road that is designated as the front on the plat, or that is designated as the front on the site plan review application or request for a building permit, subject to approval by the planning commission or zoning administrator. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained.

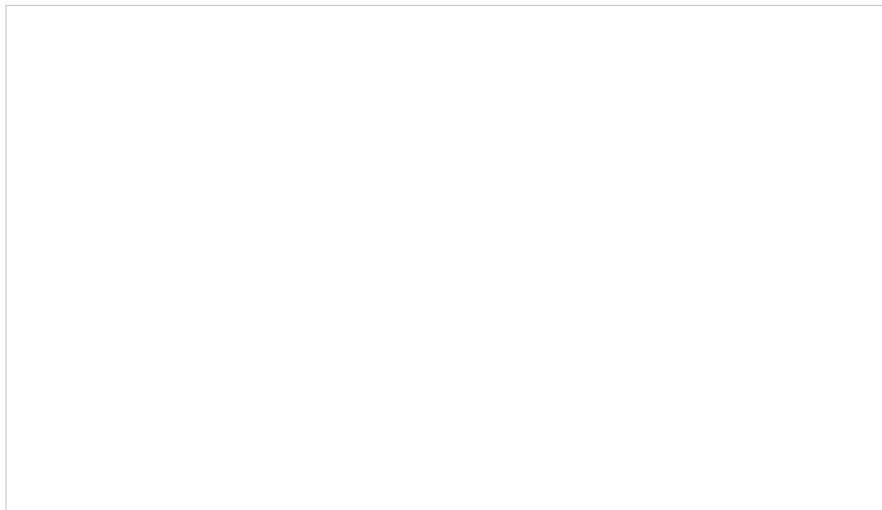
Rear lot line means, ordinarily, that lot line that is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet in length, lying farthest from the front lot line and wholly within the lot. In cases in which the rear lot line definition cannot be easily applied, the zoning administrator shall designate the rear lot line.

Side lot line means any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line. In cases in which the side lot line definition cannot be easily applied, the zoning administrator shall designate the side lot line.

Lot of record means a parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the county register of deeds, or accepted by the county department of equalization, or a lot or parcel described by metes and bounds, and the accuracy of which is attested to by a land surveyor (registered and licensed in the state) and likewise so recorded with the county register of deeds. A lot of record may also be identified by attachment to a sidwell or tax parcel identification number.

Lot, through. See Lot, double frontage.

Lot width means the straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (see illustration). At no time shall the measured lot width at the street line be less than one-half of the required lot width.



LOT WIDTH AND SETBACKS

Main access drive means any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Main use. See Use, principal.

Major repair. See Automobile, major repair.

Major thoroughfare. See Road.

Marginal access road. See Secondary access drive.

Massage parlor or massage establishment means a place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic or bathing devices or techniques, other than the following: a duly licensed physician, osteopath or chiropractor; a registered or practical nurse operating under a physician's directions; or registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses and steam baths. Massage establishments, as defined herein, shall not include properly licensed hospitals, medical clinics or nursing homes, or beauty salons or barbershops in which therapeutic massages are administered by licensed and certified personnel.

Master plan. See Comprehensive development plan.

Mezzanine means an intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the floor area of the story in which the level or levels are located.

Miniwarehouse means a building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and that can be leased on an individual basis. Miniwarehouses are typically contained within a fenced, controlled-access compound.

Mobile home. See Dwelling, mobile home.

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

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

set forth in the mobile home commission rules and Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

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

Mosque. See Church.

Motel means a building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and that provides customary motel services such as mail service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

Motor vehicle. See Automobile.

Municipality means the Charter Township of Port Huron, St. Clair County, Michigan.

Natural features means and includes soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

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

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

Nonconforming structure means a structure or portion thereof that was lawfully in existence at the effective date of the ordinance from which this chapter is derived, or amendments thereto, which structure does not conform to the location, bulk and/or dimensional requirements of the zoning district in which the lot is located.

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

Nonconformity, structural (dimensional), means a nonconformity that exists when the height, size or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the zoning district in which the property is located.

Nonresidential zoning district means a zoning district primarily established for land uses other than dwellings.

Nuisance means any offensive, annoying or disturbing practice or object that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery, day nursery or nursery school. See Child care center.

Nursery, plant material, means a space, building and/or structure, or combination thereof, where live trees, shrubs and other plants used for gardening and landscaping are propagated, stored and/or offered for sale on the premises.

Nursing home, convalescent home or rest home means a home for the care of the aged, infirm or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 139 of 1956, as amended.

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

Occupied means used in any manner.

Off-street parking lot. See Parking lot, off-street.

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

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

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

Open space means that part of a zoning lot, including courts and/or yards, that is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

Outdoor meeting, entertainment and/or athletic venue means any use not otherwise defined in this chapter that is intended to accommodate an outdoor gathering in excess of 100 individuals.

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

Outlot means a parcel of land that is designated as an outlot on the recorded plat, and that is usually not intended to be used for the same purposes as other lots in the plat.

Parcel means a continuous area, tract or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Control Act (PA 288 of 1967, as amended) or the Condominium Act (PA 59 of 1978, as amended) and has frontage on a public street.

Parking lot, off-street, means an area within a lot or parcel that provides vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

Parking space means an area of definite length and width as designated in these zoning regulations for parking an automobile or other permitted vehicle, and that is fully accessible for such purposes.

Performance guarantee means a financial guarantee to ensure that specific improvements, facilities, construction or activities required or authorized by these zoning regulations will be completed in compliance with this chapter, regulations and/or approved plans and specifications of the development.

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

Personal fitness center means a facility that provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, the term "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym and/or swimming pool.

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

Pet means a domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Planned development means a planning or construction project involving the use of special zoning requirements and review procedures that are intended to provide design and regulatory flexibility, so as to encourage

innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

Planner, township, means the person or firm designated by the township board and planning commission to advise the township board, township planning commission and township staff on planning, zoning, land use, housing and other related planning and development issues. The township planner may be a consultant or an employee of the township.

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

Principal use. See *Use, principal*.

Privacy screen means an artificially constructed barrier of wood, wire, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

Private street or road. See *Road*.

Property line means the line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also *Lot line*.

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

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

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

Recognizable and substantial benefit means a clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features or architectural features; or elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

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

Recreational unit means any vehicle used for recreational, sport, or hobby activity normally transported to and from its general location of activity in or on a recreational vehicle or trailer, such as but not limited to a boat, ATV, snowmobile, motorcycle or other motorized vehicle, or large nonmotorized vehicle such as a manned glider or winged vehicle.

Recreational vehicle means a vehicular unit for recreational, sport, camping, hobby or travel use or a unit designed or in the process of being altered in such a manner to provide temporary living quarters. It may have motorized power or may be designed to be drawn by a motor vehicle. The term shall include but is not limited to a motor home, a travel trailer, folding or tent trailer including a camper designed for mounting on a pickup truck or a converted van or bus.

Recycling center means a facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

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

Residential scale SES shall mean a single solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics that will only be used to produce utility power for on-site use on one- or two-family residentially zoned and used parcels. (The installation of which shall not be considered an expansion of an existing nonconforming use.)

Residential zoning district means a zoning district primarily established for dwellings as a land use.

Restaurant means any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast food restaurant, a standard restaurant or bar/lounge, or combination thereof, as defined below. When characteristics of two or more restaurant types are contained within a single business establishment, the requirements for each type of restaurant must be satisfied proportionate to the amount of floor area used by each type of restaurant within the establishment. The following establishments are classes of restaurants under this chapter:

Bar/lounge/tavern means a type of restaurant that is operated primarily for the dispensing of alcoholic liquors, although the sale of prepared food or snacks may also be permitted. If a bar, lounge or tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Restaurant, fast food, means a fast food establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line or in the customer's motor vehicle for consumption at the counter where it is served, or at tables, booths or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site. For the purpose of these regulations, carry-out, drive-in, drive-through and delivery restaurants are considered different types of fast food

restaurants and defined as follows:

Restaurant, carry-out, means a fast food restaurant whose method of operation involves sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises. No customer eating area is provided on the premises of a carry-out restaurant.

Restaurant, delivery, means a fast food restaurant whose method of operation involves sales of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in ready-to-consume state for consumption off the premises. No drive-in, drive-through, counter or other customer accessible service area is available on the delivery restaurant site. Food is delivered to customers after the customer telephonically transmits an order. Customers do not visit the delivery restaurant site to obtain food.

Restaurant, drive-in, means a fast food restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

Restaurant, drive-through, means a fast food restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. No indoor customer eating area is provided in a drive-through restaurant.

Restaurant, standard, means a type of restaurant whose method of operation involves one of the following:

- (1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building;
- (2) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building; or
- (3) Carry-out orders may also be filled by a standard restaurant, provided that additional parking facilities are provided for the carry-out facilities consistent with the requirements for carry-out restaurants.

Retention basin means a pond, pool or basin used for the collection and storage of water runoff generally subject to absorption or percolation through the soil or by evaporation into the atmosphere.

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

Road means any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court or any similar designation. Various types of roads are defined as follows:

Arterial road means a road that carries a high volume of traffic and serves as an avenue for circulation of traffic onto, out of, or around the township. An arterial road may also be a major thoroughfare.

Collector street means a road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.

Cul-de-sac means a road that terminates in a vehicular turnaround.

Local street means a road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

Major thoroughfare means an arterial road that is intended to service a large volume of traffic for both the immediate area and the region beyond, and may be designated as a thoroughfare, parkway, freeway, expressway or equivalent term to identify those roads comprising the basic structure of the roads plan. Any road with an existing or proposed right-of-way width of 120 feet, and any road proposed as a major thoroughfare in the county road commission's thoroughfare plan is considered to be a major thoroughfare.

Minor road means a road whose sole function is to provide access to abutting properties.

Private road means any road that is to be privately maintained and has not been accepted for maintenance by the county, the state, the federal government or any other governmental unit, but that meets the requirements of these zoning regulations or has been approved as a private road by the township under any prior ordinance. A private road must be a minimum of 30 feet in width.

Public road means any road or portion of a road that has been dedicated to and accepted for maintenance by the county, the state, the federal government or any other governmental unit.

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

Roominghouse. See Boardinghouse.

Secondary access drive means any private road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

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

Semitrailer means a trailer, that may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor, towing vehicle or dolly.

Service truck means a truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical or carpentry business.

Setback means the horizontal distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a front, side or rear lot line or setback measurement line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of these zoning regulations. See definition of Yard.

Shopping center means a group of two or more retail businesses and service uses on a single site with common parking facilities.

Sign means a name, identification, description, display or illustration that is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and that directs attention to an object, product, place, activity, person, institution, organization or business. Signs include, but are not limited to, figures, devices, pennants, emblems, pictures and all types listed below. Any of the above which is not placed out of doors, when placed near or inside the surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists and pedestrians, shall also be considered as a sign. Sign categories are as follows:

Abandoned sign means a sign that advertises a bona fide business, lessor, owner, product or activity no longer conducted or available upon the premises where such sign is displayed.

Accessory sign means a sign that is accessory to the main or principal use of the premises.

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

Banner means any sign printed or displayed upon cloth or other flexible material, with or without frames. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

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

Billboard means any sign, whether free standing or attached to another structure, that is not located on the

premises of the business or organization for which advertising or information is displayed, whether it is illuminated or not.

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

Bulletin board/announcement sign means a sign related to a public school, parochial school, private school, public park or recreation facility, church or other religious institution, that identifies activities or events to take place involving the patrons of such specific use.

Canopy sign means any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Changeable copy sign means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this chapter.

Exempt sign means certain signs that by nature of purpose, type and application are exempt from the permit requirement of this chapter.

Flashing sign means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Freestanding sign/ground sign means a sign that is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Identification sign means a sign stating the name or description of the use of the premises on which the sign is located.

Illuminated sign means any sign that has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee sign means any sign attached to, in any manner, or made a part of a marquee.

Monument sign means a sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts or similar uprights.

Nonaccessory sign means a sign that is not accessory to the main or principal use of the premises.

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

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

Permitted sign means signs that may be erected or displayed in the township upon meeting the requirements of this chapter.

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

Prohibited sign means signs that under no circumstance may be erected or displayed in the township.

Projecting sign means a sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including marquee signs.

Real estate sign means a sign placed upon a property advertising that particular property for sale, rent or lease.

Residential development identification sign means a permanent sign identifying the name of a subdivision condominium complex, or other residential development.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this chapter.

Roof sign means any sign erected and constructed wholly on and over the roof of a building supported by the roof structure.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Swinging sign means signs that are designed or constructed to move or pivot as a result of wind pressure for the purpose of attracting attention.

Temporary residential development sign means a temporary sign placed on the premises of a subdivision, or other real estate development site, or identify a proposed start of development, the participants of such development (such as owner, contractor, architect, leasing agent, etc.), and relative date of availability.

Temporary sign means any sign that is used only temporary and is not permanently mounted.

Wall sign means a sign erected or fastened against the wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than 14 inches beyond the surface of the portion of the building wall on which erected or fastened.

Sign permit means the permit that must be obtained from the township building official prior to the construction, erection or display of a sign or other outdoor advertising in the township.

Sign surface area means the area of the sign face that encompasses the extreme limits of the writing, emblem or display including any background but not including any supporting framework, bracing fence or wall.

Site plan means a plan, prepared to scale, as required in these zoning regulations, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Sketch plan means a plan that is prepared according to requirements stated in these zoning regulations, containing required information required for a sketch plan. A sketch plan is less detailed than a formal site plan. A sketch plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A sketch plan does not substitute for a formal site plan.

Solar energy system (SES) is a system of ground, roof or other assemblies which convert solar energy to usable thermal, mechanical, chemical, or electrical energy to meet all or a significant part of a structure's energy requirements, or sometimes in excess of the energy requirements of the property, if it is to be sold back to an investor-owned utility in accordance with the law.

Special event means an occurrence or noteworthy happening of seasonal, civic or religious importance, that is organized and sponsored by a nonprofit township community group, congregation, organization, club or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special exception. See *Exception*.

Special land use means uses, either public or private, that possess unique characteristics and therefore cannot be properly classified as a use permitted by right in a particular zoning district or districts. Special land uses include regulated land uses. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval, subject to the terms of these zoning regulations.

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

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

Specified anatomical areas means portions of the human body defined as follows:

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

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

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

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

Adult foster care facility means a residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act No. 218 of 1979 (MCL 400.701 et seq.), and the adult foster care administrative rules as administered by the state department of human services. The following four types of adult foster care

homes are provided for by these rules:

Adult foster care—large group home. Residence for 13 to 20 adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.

Adult foster care—small group home. Residence for 12 or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven or more residents will live in the home.

Congregate facility. Residence for more than 20 adults.

Family home. Private residence for six or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.

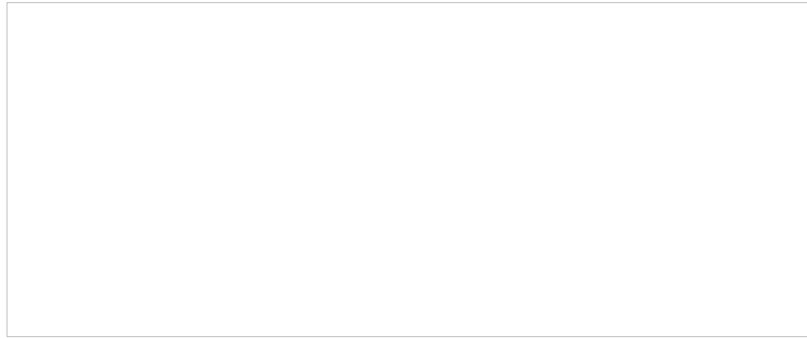
Foster family group home means a private residence that houses more than four but fewer than seven minor children, up to age 19, under constant care and supervision. Under Public Act No. 116 of 1973 (MCL 722.111 et seq.), as licensed by the state department of human services.

Foster family home means a private residence that houses four or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act No. 116 of 1973 (MCL 722.111 et seq.), a foster family home does not require local zoning approval before being licensed by the state department of human services.

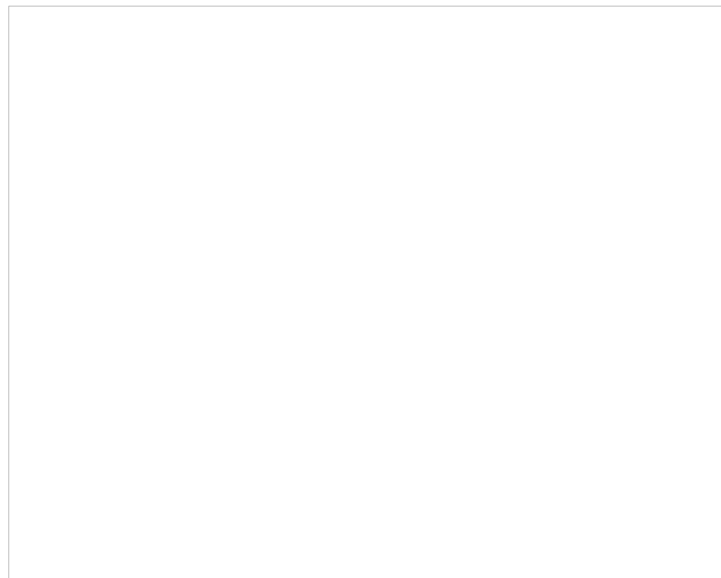
Story means that portion of a building, other than a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see illustrations).

- (1) A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath, or if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- (2) A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.
- (3) In an earth sheltered home, any separate level below ground shall be considered a full story.

Story, half, means the uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 200 square feet with a minimum clear height of seven feet, six inches.



BASEMENT AND STORY



BASIC STRUCTURAL TERMS

Street. See Road.

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

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

Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground and extending at least nine inches above the ground surface. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennas, swimming pools and signs.

Subdivision plat means the division of a tract of land for the purpose of sale or building development, in

accordance with the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), and the township land division regulations.

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

Swimming pool means any permanent, nonportable structure or container, located either partially or totally below grade, designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Synagogue. See Church.

Tattoo parlor means any business having as its principal activity the application or placing, by any method permanent or semipermanent, designs, letters, scrolls, figures, symbols or any other marks upon or under the human skin within or any substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

Temporary use or building means a use or building permitted to exist for a limited period of time under conditions and procedures as provided for in these zoning regulations.

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

Thoroughfare, major. See Road.

Toxic or hazardous waste means waste or a combination of waste and other discarded material, including, but not limited to, solid, liquid, semisolid or contained gaseous material that because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of or otherwise managed:

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

Trailer means a vehicle without motorized power, designed to be drawn by a motor vehicle, to be used for

carrying property including, but not limited to, a boat, motorcycle, ATV, snowmobile or other similar recreational units or equipment for camping, travel, utility, sport, hobby or other similar use.

Trailer court. See *Campground*.

Transition zone means a zoning district, an arrangement of lots or land uses, a landscaped area or similar means of providing a buffer between land uses or districts.

Truck. See *Automobile*.

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

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

Usable floor area. See *Floor area, usable*.

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

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

Use, conditional. See *Conditional use*.

Use, nonconforming. See *Nonconformity*.

Use, permitted, means a use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations and standards of such district.

Use, principal, means the main use of land and buildings and the main purpose for which land and buildings exist.

Use, special land. See *Special land use*.

Utility scale SES shall mean a solar energy conversion system consisting of both traditional and/or ground-mounted solar arrays, in rows, and the associated control or conversion electronics that will be used to produce utility power for off-site customers, which will require site plan approval by the planning commission (PC) based on compliance with the enclosed standards listed.

Utility trailer means a small trailer that is not self-propelled and is designed to be pulled by an automobile, van or pickup truck.

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

Vehicle. See Automobile.

Veterinary hospital. See Clinic, veterinary.

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

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

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

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

Wireless telecommunication facility means all facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but is not limited to, radio and television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; television reception antennas; satellite dishes; and governmental facilities that are subject to state and federal laws or regulations that preempt municipal regulatory authority.

Wireless telecommunication facility collocation means the location by two or more wireless telecommunications providers, public authorities or other duly authorized parties of wireless telecommunications facilities on a common structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use telecommunications facilities and/or support structures within the township.

Wireless telecommunication support structure, tower, means any wireless telecommunication facility erected or modified to support attached wireless telecommunication facilities, or other antennas or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes, but is not limited to, any ground- or roof-mounted pole, monopole, lattice tower, light pole, utility pole, wood pole, guyed wire tower, spire,

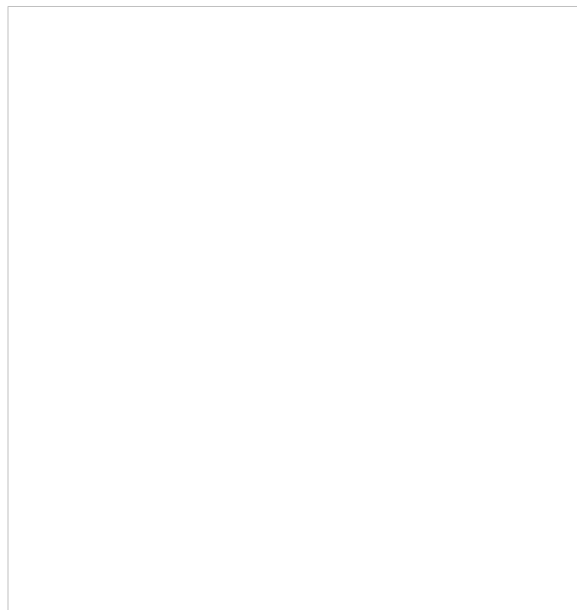
other similar structure or combination thereof, or other structures that appear to be something other than a mere support structure.

Yard means an open space area on the same zoning lot with a building, unoccupied and unobstructed from the ground (grade) upward, except as otherwise permitted in these zoning regulations. The minimum required setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of these zoning regulations (see illustrations).

Yard, front, means an open space area 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 on the exterior face of the principal building. Unless otherwise specified, each yard with street frontage shall be considered a front yard.

Yard, rear, means an open space area extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest point on the exterior face on the principal building. On corner lots, the rear yard may be opposite either street frontage, but each lot shall have only one rear yard.

Yard, side, means an open space area between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point of the exterior face of the principal building.



YARD TERMS

Zone. See *District, zoning.*

Zoning board of appeals means the township zoning board of appeals, created pursuant to the provisions of

Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Zoning official or *zoning administrator* means the township official authorized to administer the zoning regulations on a day-to-day basis, including, but not limited to, processing applications, granting ministerial approvals, maintaining the records of planning commission actions, sending notices of public hearings and similar work.

(Ord. No. 147-43, § 1.003, 12-15-2003; Ord. No. 238, 11-7-2016; Ord. No. 240, 6-19-2017; Ord. No. 245, 6-17-2019)

40-4 Severability.

This chapter and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any court of competent jurisdiction for any reason adjudge any part, sentence, paragraph, section or clause unconstitutional or invalid, such judgment shall not affect the validity of this chapter as a whole nor any part thereof, other than the part so declared to be unconstitutional or invalid. Furthermore, should the application of any provision of this chapter to a particular property, building or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building or structure in the township, unless otherwise stated in the judgment.

(Ord. No. 147-43, § 19.001, 12-15-2003)

40-5—40-26. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

40-27. Overview.

The township board or its duly authorized representative, as specified in this article, is hereby charged with the duty of enforcing the provisions of this chapter. Accordingly, the administration of this chapter is hereby vested in the following entities:

- (1) Township board of trustees.
- (2) Planning commission.
- (3) Zoning board of appeals.
- (4) Zoning officials, including the building official, zoning administrator and township planner.

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

(Ord. No. 147-43, § 17.001, 12-15-2003)

40-28. Responsibilities and authority of the township board of trustees.

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

- (1) Adoption of zoning ordinance and amendments. In accordance with the intent and purposes expressed in the preamble to this chapter, and pursuant to the authority conferred by Public Act No. 110 of 2006 (MCL 125.3101 et seq.), the township board shall have the authority to adopt this chapter, as well as amendments previously considered by the planning commission or at a hearing or as decreed by a court of competent jurisdiction. Adoption of any change shall be by an amendatory ordinance.
- (2) Review and approval of plans. The township board shall be given the opportunity to review and approve all special land uses, in accordance with section [40-79\(b\)\(10\)](#). Township board review and approval shall be required for all planned developments, in accordance with article III, division 4.
- (3) Setting of fees. The township board shall have the authority to set all fees for permits, applications and requests for action pursuant to the regulations set forth in this chapter by resolution. In the absence of specific action taken by the township board to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- (4) Approval of planning commission members. In accordance with state law, the members of the planning commission shall be appointed by the township supervisor with formal approval of the township board.

(Ord. No. 147-43, § 17.002, 12-15-2003)

40-29. Responsibilities and authority of the planning commission.

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

- (1) Creation. The planning commission is created pursuant to Public Act No. 285 of 1931 (MCL 125.31 et seq.), the Municipal Planning Act and Public Act No. 110 of 2006 (MCL 125.3101 et seq.), the Michigan Zoning Enabling Act. Act 110 enables and governs the activities and procedures under this chapter.
- (2) Membership and operation.
 - a. The supervisor shall appoint members of the planning commission subject to formal approval by the township board. The qualifications of members, the term of each member, filling of vacancies, compensation of members and operation of the planning commission shall be in accordance with section 3 of Public Act No. 285 of 1931 (MCL 125.33).
 - b. In accordance with section 4 of Public Act No. 285 of 1931 (MCL 125.34), the planning commission by resolution shall determine the time and place of meetings. The planning commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations.
- (3) Jurisdiction. The planning commission shall discharge the following duties pursuant to this chapter:
 - a. Formulation of zoning ordinance and amendments. The planning commission shall be responsible for formulation of this chapter, review of amendments to this chapter, holding hearings on a proposed zoning ordinance or amendments, and reporting its findings and recommendations concerning this chapter or amendments to the township board.
 - b. Site plan review. The planning commission shall be responsible for review of applications for site plan approval in accordance with article II, division 2. As provided for in article II, division 2, the planning commission shall be responsible for either making a determination to grant approval, approval subject to revisions, or denial of site plan approval.
 - c. Special land use review. The planning commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with section [40-79](#), and making a recommendation to the township board to grant approval, approval subject to revisions, or denial of approval.
 - d. Planned development review. The planning commission shall be responsible for holding hearings and review of all applications for planned development in accordance with article III, division 4. The planning commission shall be responsible for making a recommendation to the township board to grant

approval, approval with conditions, or denial of a planned development proposal.

e. Formulation of a comprehensive development plan (master plan). The planning commission shall be responsible for formulation and adoption of a master plan for the physical development of the township, in accordance with Michigan Public Act 285 of 1931 (MCL 125.31 et seq.), as amended.

f. Review of matters referred by the township board. The planning commission shall be responsible for review of plats or other matters relating to land development referred to it by the township board. The planning commission shall recommend appropriate regulations and action on such matters.

g. Report on the operation of the zoning ordinance. The planning commission shall periodically prepare for the township board a report on operations under this chapter including recommendations as to the enactment of amendments or supplements to this chapter.

(Ord. No. 147-43, § 17.003, 12-15-2003)

40-30. Responsibilities of the zoning board of appeals (ZBA).

(a) Creation and membership.

(1) Generally. There is hereby created a zoning board of appeals (ZBA), that shall perform its duties and exercise its powers as provided in article VI of Public Act No. 110 of 2006 (MCL 125.3601 et seq.), and in such a way that the objectives of this chapter shall be observed, public safety secured, the requirements of any other statute or ordinance and substantial justice done. The board shall consist of the following five members:

a. Planning commission member. The first member shall be a member of the township planning commission, recommended by the commission and appointed by the township board to serve for a term of one year.

b. Township board member. The second member shall be a member of the township board who may not be the chairperson of the board of appeals.

c. Other members. The remaining three members shall be electors of the township, selected and appointed by the township board from among the electors, residing in the unincorporated area of the township, who shall be representative of the population distribution and of the various interests present in the township. No employee or contractor of the township board may serve simultaneously as a member or employee of the board of appeals.

(2) Terms of office. Terms of members of the board of appeals shall be for three years, except for members serving because of their membership on the planning commission, whose term shall be one year, or township board, whose term shall be limited to the time he is a member of the township board. When

members are first appointed, the appointments may be for less than three years to provide for staggered terms. 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 by the township board.

(3) Officers. The board of appeals shall elect a chairperson, a vice-chairperson and a secretary from its members, and may create and fill such other offices or committees, as it may deem advisable. The board of appeals may appoint advisory committees outside of its membership. The term of all officers shall be for one year.

(4) Alternate members. The township board may appoint not more than two alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called upon by the chair of the zoning board of appeals or, in the absence of the chair, by a vote of the other members, to serve as a regular member in the absence of a regular member if the regular member is absent from, or will be unable to attend, two or more consecutive meetings of the zoning board of appeals, or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called upon by the chair, or by a vote of the other members, to serve as a regular member for the purpose of reaching a decision in which a regular member has abstained for reasons of conflict of interest. The alternate member so appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

(b) Procedure and operation.

(1) Meetings. All meetings of the township zoning board of appeals (ZBA) shall be held at the call of the chairman and at other times as the ZBA, in its adopted rules of procedure, may specify. All meetings and hearings conducted by said ZBA shall comply with the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.). The ZBA shall provide for due notice of meetings and hearings to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

(2) Concurring vote required. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; or to effect any variation to this chapter.

(3) Procedure. The ZBA 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 public record. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of the planning commission, zoning official or any other

administrative official, or to decide in favor of an applicant any matter upon which they are required to pass under this chapter or to effect any variation in this chapter.

(4) Powers. The ZBA 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. The ZBA may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination, in accordance with the guidelines set forth herein. With an affirmative decision, the ZBA may impose conditions pursuant to section 604 of Public Act No. 110 of 2006 (MCL 125.3604). The decision of the ZBA shall be final. However, a person having an interest affected by this chapter may appeal to the circuit court for review pursuant to section 606 of Public Act No. 110 of 2006 (MCL 125.3606).

(5) Notice. The ZBA shall make no recommendation except in a specific case and after a public hearing conducted by the ZBA. Upon receipt of a written request seeking an interpretation of this chapter or an appeal of an administrative decision, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

(6) Orders. In exercising the above powers, the ZBA may reverse or affirm, wholly or in part, or may modify the orders, requirements, decisions or determinations appealed under this chapter 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 planning commission, zoning official, building official or any other administrative official from whom the appeal is taken.

(7) Stay of proceedings. An appeal to the ZBA shall stay all proceedings in furtherance of the appealed action, unless the planning commission, zoning official or any other administrative official certifies to the ZBA, after the notice of appeal shall have been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the circuit court.

(8) Limitations. Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this chapter or the zoning map, such power and authority being reserved to the township board, in the manner provided by law. The ZBA is strictly prohibited from granting variances in the case of approval or conditions placed upon special land uses as regulated in section [40-79](#). The ZBA is

also strictly prohibited from granting variances for any standards or conditions established within a PD planned development zoning district as stated in article III, division 4 of this chapter.

(c) Jurisdiction. The ZBA shall have power to act on those matters as defined in this section and by the laws of the state. Said jurisdiction shall include:

(1) 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 any office, department, board or bureau aggrieved by a decision of the planning commission or any administrative or enforcement officer charged with enforcement of this chapter subject to procedures and standards stated in article II, division 4 of this chapter.

(2) To authorize a variance from the strict application of the provisions of this chapter subject to procedures and standards stated in article II, division 4 of this chapter. In granting a variance, the ZBA may attach thereto such conditions and safeguards regarding the location, character, and other features of the proposed uses as it may deem reasonable so that the spirit of this chapter is observed, public safety secured and substantial justice done. In granting a variance, the ZBA shall clearly state the grounds upon which it justifies the granting of a variance.

(3) To interpret boundaries of zoning districts as presented in the official zoning map. Upon request of the planning commission or any administrative or enforcement officer charged with enforcement of this chapter, the ZBA may interpret and clarify the meaning of zoning ordinance text.

(4) To hear and decide in accordance with the provisions of this chapter, requests for exceptions to this chapter as provided for and referred to it within this chapter and for decisions on special approval situations on which this chapter specifically authorizes the ZBA to pass. Any exceptions shall be subject to such conditions as the ZBA may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this chapter, including the following:

- a. 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 aforesaid map.
- b. Allow the erection and use of a building or use of premises for public utility purposes, upon recommendation of the planning commission.
- c. Allow 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.

- d. Allow such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot that 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.
- e. Allow temporary buildings and uses for periods not to exceed 12 months.
- f. Allow, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12 month extensions being permissible upon proper application: uses that do not require the capital improvements. The ZBA, in granting permits and/or extensions for the above temporary uses, shall do so under the following conditions:
1. The granting of the temporary use shall not constitute a change in the uses permitted by right in the zoning district, nor on the property wherein the temporary use is permitted.
 2. 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 same at the termination of said temporary permit.
 3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protection of the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the township, shall be made at the discretion of the ZBA.
 4. In classifying uses as not requiring capital improvement, the ZBA shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to, golf-driving ranges and outdoor archery courts; or structures that do not require foundations, heating systems or sanitary connections.
 5. The use shall be in harmony with the general character of the district.
 6. 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. Furthermore, the ZBA shall seek the review and recommendation of the planning commission prior to taking of any action. A public hearing may be required by the ZBA for the review of an extension of a temporary use permit.
- g. Allow modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.

(Ord. No. 147-43, § 17.004, 12-15-2003)

40-31. Responsibilities of zoning officials.

(a) Overview. Certain actions necessary for the implementation of these regulations shall be administered by the township zoning administrator, the building official, the township clerk, the township planning commission and other township officials and/or the duly authorized assistants or representatives of these officials. In carrying out their designated duties, all enforcement officers shall be required to administer this chapter precisely as it is written. No enforcement official shall make changes or vary the terms of these regulations.

(b) Responsibilities of the zoning administrator. The zoning administrator, or a duly authorized representative, shall be responsible for overall administration of this chapter. The zoning administrator shall coordinate the implementation of this chapter among the township board, the planning commission, the zoning board of appeals, enforcement officials, township consultants, applicants and the general public. In addition to specific responsibilities outlined elsewhere in these regulations, the zoning administrator or duly authorized representatives shall have the following responsibilities:

- (1) Preparation and administration of budgetary matters regarding the implementation of these regulations.
- (2) Resolution of problems occurring between applicants, staff and the general public.
- (3) Periodically report to township policy makers on the status of the township's zoning and planning administration.
- (4) Provide citizens and public officials with information relative to these regulations and related matters.
- (5) Assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning and other zoning matters.
- (6) Review all applications for site plan review, special land use review and planned development, and take any action required under guidelines stated within these regulations.
- (7) In cooperation with the building official, issue certificates of occupancy in accordance with these regulations when all provisions of these regulations and other applicable ordinances and codes are met.
- (8) Forward to the planning commission completed applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to these regulations and other matters that must be reviewed by the planning commission.
- (9) Forward to the zoning board of appeals all materials related to applications for appeals, variances or other matters on which the zoning board of appeals is required to act.
- (10) Forward to the township board all recommendations of the planning commission concerning matters

on which action is either mandatory or discretionary on the part of the township board.

(11) Periodically report to the planning commission on the status of the township's zoning and planning administration.

(12) Maintain the current official zoning map of the township and an up-to-date zoning ordinance text by recording all adopted amendments.

(13) Review and investigate permit applications to determine compliance with the provisions of this chapter.

(14) Initiate investigations into alleged violations of these regulations and proceed with appropriate corrective measures as required.

(15) Perform other related duties required to administer these regulations.

(c) Responsibilities of the township building official. In addition to specific responsibilities related to enforcement and administration of the adopted state construction code, the building official or duly authorized assistants shall have the following responsibilities:

(1) Provide citizens and public officials with information relative to these regulations and related matters.

(2) Provide direction to applicants in determining and completing appropriate procedures related to site plan review, rezoning and other zoning matters.

(3) Review applications for site plan review, special land use review and planned development, provide recommendations regarding the content of said plans and take any action required under guidelines stated within these regulations.

(4) Issue building permits or other appropriate permits when all provisions of these regulations and other applicable ordinances are met.

(5) In cooperation with the zoning administrator, issue certificates of occupancy in accordance with these regulations when all provisions of these regulations and other applicable ordinances and codes are met.

(6) Perform inspections of buildings, structures and premises to ensure that the land use or improvements to the land are and will remain in compliance with these regulations.

(7) Initiate and perform investigations into alleged violations of these regulations and proceed with appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revocation of permits.

(8) Maintain records as accurately as is feasible for all nonconforming uses, structures and lots that exist on the effective date of the ordinance from which this chapter is derived, updating the record as conditions affecting the nonconforming status of such uses changes.

(9) Perform other related duties required to administer these regulations.

(d) Responsibilities of the township clerk. In addition to specific responsibilities outlined elsewhere in these regulations, the township clerk or duly authorized representatives shall have the following responsibilities:

(1) Publish all notices required by these regulations.

(2) Record or cause to be recorded and prepare the official minutes of all meetings of the planning commission and zoning board of appeals.

(3) Maintain official records and file all official minutes and documents in an orderly fashion.

(4) Perform other related duties required to administer these regulations.

(e) Responsibilities of the township planner. The township may employ a township planner, who may be a member of township staff, a firm or organization retained on a consulting basis, or staff and a consultant may share the responsibilities. In addition to specific responsibilities outlined elsewhere in these regulations, upon request from the township board, the planning commission, the zoning administrator or other authorized township body or official, the township planner may fulfill following responsibilities:

(1) Prepare and administer such plans and ordinances as are appropriate for the township and its environs, within the scope of the appropriate state planning and zoning enabling acts.

(2) Advise and assist the planning commission and be responsible for carrying out the directives of the planning commission.

(3) Advise and assist the township board and other authorized township bodies or officials and be responsible for carrying out their directives.

(4) Provide citizens and public officials with information relative to these regulations and related matters.

(5) At the request of the township, review applications for site plan review, special land use review and planned development proposals, and take any action required under the guidelines stated in these regulations.

(6) At the request of the planning commission or township board, draft amendments to this chapter and other ordinances to accomplish the planning objectives of the township.

(7) Periodically report to the planning commission on the status of the township's zoning and planning administration.

(8) Perform other related duties, as authorized, to administer these regulations.

(Ord. No. 147-43, § 17.005, 12-15-2003)

40-32—40-50. Reserved.

40-51. Intent and scope of regulations.

It is the purpose of this division to provide standards and requirements for site plan submissions for land uses and structures within the township and establish procedures for the submission and review of site plans as authorized by section 501 of Public Act No. 110 of 2006 (MCL 125.3501).

(Ord. No. 147-43, § 6.001, 12-15-2003)

40-52 Site plan procedures and standards.

(a) *Site plan review.*

(1) *Site plan required.* Except as provided in section [40-79\(a\)\(2\)](#), the development of any new use, the construction of any new structures, any change of an existing use of land or structure that impacts any requirement of these regulations, and all other building or development activities shall require site plan approval prior to construction and/or occupancy pursuant to this division. For example, site plan review is required for any of the following activities:

- a. Erection, moving, relocation or conversion of a building or structure to create additional floor space, other than a single-family dwelling.
- b. Any development that would, if approved, provide for the establishment of more than one principal use on a parcel, such as a single-family site condominium or similar project where a single parcel is developed to include two or more sites for detached single-family dwellings.
- c. Development of nonresidential uses or multiple-family uses in a single-family district.
- d. Any change in land use or change in the use of a structure that potentially affects compliance with the standards set forth within these regulations.
- e. The development or construction of any accessory uses or structures, except for the following:
 1. Detached accessory structures 1,200 square feet or less, for incidental accessory uses on nonresidentially zoned and used property.

2. Uses or structures that are accessory to one- and two-family dwellings.
 - f. Any use or construction for which submission of a site plan is required by any provision of these regulations.
 - g. Establishment of any regulated use.
- (2) *Site plan not required.* Notwithstanding the section [40-79\(a\)\(1\)](#), site plan approval is not required for the following activities:
 - a. Construction, moving, relocating or structurally altering a single- or two-family home, including any customarily incidental accessory structures.
 - b. Excavating, filling or otherwise removing soil, provided that such activity is normally and customarily incidental to single-family uses described in this section for which site plan approval is not required.
 - c. A change in the ownership of land or a structure.
 - d. A change in the use of a structure to a similar use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of the regulations and that the site maintains full and continuing compliance with these regulations.

(b) *Required information on site plans.* The following information shall be included on all site plans, where applicable:

- (1) *Application form.* The application form shall contain the following information:
 - a. Applicant's name and address.
 - b. Name and address of the property owner, if different from the applicant.
 - c. Common description of the property and complete legal description including the parcel tax identification (sidwell) number.
 - d. Total gross and net acreage of the site.
 - e. Existing zoning.
 - f. Proposed use of the land and the name of proposed development, if applicable.
 - g. Proposed buildings to be constructed, including square feet of gross floor area.

- h. Proof of property ownership.
- i. Names, addresses and telephone numbers of engineers, attorneys, architects and other professionals associated with the project.
- j. Any additional information required by this chapter or additional guidelines adopted by the township planning commission.

(2) *Descriptive and identification data.* Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one inch equals 20 feet (1"=20') for property less than one acre, one inch equals 30 feet (1"=30') for property larger than one acre, and one inch equals 50 feet (1"=50') for property larger than three acres. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:

- a. Applicant's name, address and telephone number.
- b. Title block indicating the name of the development.
- c. Scale.
- d. North point.
- e. Dates of submission and revisions (month, day, year).
- f. General location map drawn to scale with north point.
- g. Legal and common description of the property, including parcel identification (sidwell) number.
- h. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of the total land holding.
- i. A schedule for completing the project, including the phasing or timing of all proposed developments, if applicable.
- j. Identification and seal of an architect, engineer, land surveyor, licensed community planner or landscape architect who prepared the plan.
- k. Written description of the proposed land use.
- l. Zoning classification of the applicant's parcel and all abutting parcels.

- m. Proximity to driveways serving adjacent parcels.
 - n. Proximity to major thoroughfares.
 - o. Notation of any variances that have or must be secured.
 - p. Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth acre.
 - q. Any additional information required by guidelines adopted by the township planning commission.
- (3) Site data.
- a. Existing lot lines, building lines, structures, parking areas and all existing improvements on the site and on all parcels within 100 feet of the site.
 - b. Front, side and rear setback dimensioned from minimum locations.
 - c. Topography on the site and within 100 feet of the site at two foot contour intervals, referenced to a USGS benchmark.
 - d. Proposed site plan features including buildings, roadway widths and names, and parking areas.
 - e. Dimensions and centerline of existing and proposed roads and road rights-of-way, along with a declaration of jurisdiction for each.
 - f. Acceleration, deceleration and passing lanes, where required.
 - g. Proposed location of driveway entrances and on-site driveways with dimensioned minimum and maximum widths.
 - h. Typical cross-section of proposed roads and driveways, if applicable.
 - i. Location of existing drainage courses and drains, open or enclosed and with elevations and/or inverts.
 - j. Location of existing or proposed underground improvements such as storage tanks, culverts and water gates.
 - k. Location of sidewalks within the site and within the right-of-way.
 - l. Exterior lighting locations and method of shielding.

- m. Trash receptacle locations and method of screening, if applicable.
 - n. Transformer pad locations and method of screening, if applicable.
 - o. Parking spaces, including delineated handicap spaces, typical dimensions of spaces, indication of total number of spaces, drives and method of surfacing.
 - p. Information needed to calculate required parking in accordance with zoning ordinance standards.
 - q. The location of lawns and landscaped areas, including required landscaped greenbelts; the percentage of the site used for open space.
 - r. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material. A maintenance plan for landscaping shall be stated on the plan.
 - s. Location, sizes and types of existing trees five inches or greater in diameter, measured at one foot above grade, before and after proposed development.
 - t. Cross section of proposed berms.
 - u. Location, description and county registrar of deeds filing identification of all easements for public right-of-way, utilities, access, shared access and drainage.
 - v. Designation of fire lanes.
 - w. Delineation of dedicated loading/unloading area.
 - x. The location of any outdoor storage of materials and the manner by which it will be screened.
 - y. Any additional information required by guidelines adopted by the township planning commission.
- (4) Building and structure details.
- a. Location, height and outside dimensions of all proposed buildings or structures.
 - b. Indication of the number of stores and number of commercial or office units contained in the building.
 - c. Building floor plans.
 - d. Total floor area.
 - e. Proposed usable floor area.

- f. Location, size, height and lighting information of all proposed signs.
 - g. Proposed fences and walls, including typical cross section and height above the ground on both sides.
 - h. Architectural elevations of building facades and walls, drawn to a scale of one inch equals four feet, or another scale approved by the zoning administrator and adequate to determine compliance with the requirements of these regulations. Elevations of proposed buildings shall indicate the type of building materials, roof design, dimensions of projections and architectural features, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units and transformers and related screening. The zoning administrator may permit photographs in lieu of evaluations for existing buildings where minor or no change to the facade is proposed.
 - i. Any additional information required by guidelines adopted by the township planning commission.
- (5) Information concerning utilities, drainage and related issues.
- a. Schematic layout of existing and proposed sanitary sewer connections, including septic systems, if applicable; water mains, wells and water service leads; hydrant locations that service the site; and the location and size or capacity of gas, electric, cable TV, telephone lines and proposed building leads (if structures are not single-family residences).
 - b. Location and size or capacity of exterior drains, catchbasins, retention/detention areas, culverts and other facilities designed to collect store, or transport stormwater or wastewater. The point of discharge for all drains and pipes must be specified on the site plan. Compliance with township discharge standards must be noted.
 - c. Indication of site grading, drainage patterns and proposed contours.
 - d. Soil erosion and sedimentation control measures.
 - e. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways and parking lots.
 - f. Listing of types and quantities of hazardous substances and polluting materials that will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
 - g. Areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances and polluting materials, including interior and exterior areas.

- h. Location of underground storage tanks.
 - i. Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.
 - j. Any additional information required by guidelines adopted by the township planning commission.
- (6) Information concerning residential development.
- a. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
 - b. Density calculations by type of residential unit (dwelling units per acre).
 - c. Lot coverage calculations.
 - d. Floor plans of typical buildings with square feet of floor area.
 - e. Garage and carport locations and details, if proposed.
 - f. Details of the pedestrian circulation system.
 - g. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan must indicate whether proposed roads are intended to be private or dedicated to the public noting appropriate jurisdictions.
 - h. Community building location, dimensions, floor plans and architectural elevations, if applicable.
 - i. Swimming pool fencing detail, including height and type of fence, if applicable.
 - j. Location and size of recreation open areas.
 - k. Indication of type of recreation facilities proposed for recreation area.
 - l. Any additional information required by guidelines adopted by the township planning commission.
- (7) Additional information.
- a. Information related to condominium development. The following information shall be provided with all site plans that include a development involving condominium ownership:
 - 1. Condominium documents, including the proposed master deed, condominium bylaws,

restrictive covenants and easements.

2. Condominium subdivision plan requirements, as specified in section 66 of Public Act No. 59 of 1978 (MCL 559.166), and the condominium rules promulgated by the state department of labor and economic growth.

b. Items not applicable. If any of the items listed are not applicable to a particular site, the following must be provided on the site plan:

1. A statement of each item considered not applicable.
2. The reason why each listed item is not considered applicable.

c. Additional information. Any additional information required by guidelines adopted by the township planning commission must also be supplied. Other data may be required if deemed necessary by the planning commission or zoning administrator to determine compliance with provisions in these regulations. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

(c) Standards for site plan approval. The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- (1) Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- (2) Site design characteristics. Elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining land uses, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by these regulations.
- (3) Site appearance. Landscaping, earth berms, fencing, signs, walls and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- (4) Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the schedule of regulations, article III, division 5, unless otherwise provided in these regulations.
- (5) Privacy. The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.

- (6) Emergency vehicle access. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- (7) Ingress and egress. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
- (8) Pedestrian circulation. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.
- (9) Vehicular and pedestrian circulation layout. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to ensure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.
- (10) Drainage. Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the township engineer.
- (11) Soil erosion and sedimentation. The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current county and township standards.
- (12) Exterior lighting. Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
- (13) Public services. Adequate services and utilities, including water, sewage disposal, sanitary sewer and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- (14) Screening. Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.
- (15) Danger from fire and hazards.

a. The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the township to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the township shall consider the location, type, characteristics, quantities and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the township.

b. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater and public sewer system.

(16) Health and safety concerns. Any use in any zoning district shall comply with applicable federal, state, county and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and toxic and hazardous materials.

(17) Sequence of development. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

(18) Coordination with adjacent sites. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities and open space shall be coordinated with adjacent properties.

(d) Site plan applications.

(1) Submission of site plan for review by planning commission. In order to initiate formal review by the planning commission, the applicant is required to submit the following materials to the zoning administrator:

- a. Three completed and signed copies of an application for site plan review;
- b. Fifteen individually folded copies of the site plan;
- c. Evidence that the plan has been submitted for review to all affected county, state and federal agencies, including, but not limited to, the county road commission, the county drain commissioner, the county health department, the state department of environmental quality (MDEQ), U.S. Army Corps of Engineers and the state department of transportation (MDOT);
- d. The required review fee. These materials must be submitted to the zoning administrator in sufficient time to allow review by township staff and consultants prior to the planning commission

meeting at which the review will occur. The zoning administrator shall determine what is sufficient time based on the scope and complexity of the proposal.

(2) Distribution of plans. Upon submission of all required application materials and following completion of all items required by this chapter and any other site plan review guidelines adopted by the planning commission, the proposed site plan shall be placed on the next open planning commission agenda. The site plan and application shall be distributed by the zoning administrator to appropriate township officials and the township planner for review. If deemed necessary by the zoning administrator, the plans may also be submitted to the township engineer for review.

(e) Review and action.

(1) Initial review. The planning commission may hold informal workshop and formal regular or special meetings. The first meeting at which a site plan proposal is considered may be a workshop called for that purpose or at a regular or special meeting of the planning commission. The planning commission shall review the reports of the appropriate township staff and consultants and discuss the findings and recommendations with the applicant.

(2) Request for revisions. Upon review of the site plan proposal, the planning commission may require the applicant to revise the plans or supply additional information. The applicant shall submit any revised plans for review prior to formal action being considered. All review fees must be paid prior to any review. It shall be the applicant's responsibility to consult with township staff and consultants during any revision process. Action on the site plan shall remain tabled until the next regular planning commission meeting following submission of a substantially complete plan.

(3) Public hearing. Generally, a public hearing on a site plan for a permitted use in a zoning district is not required. A public hearing shall be required on any site plan involving uses subject to special land use approval per section 40-79(b)(8)b or planned development per section [40-588\(b\)\(1\)](#). After payment of appropriate fees, a public hearing may be set for a regular or special meeting of the planning commission. No public hearing may be held before the planning commission has had an opportunity to review the plan.

(4) Submission of plans for final review. Fifteen individually folded copies of the revised site plan shall be submitted for review in advance of a meeting according to a processing schedule adopted by the planning commission. The zoning administrator shall distribute the revised plan to the appropriate reviewing parties.

(5) Final action. The planning commission is authorized to take the following final actions on a site plan, subject to guidelines in this chapter:

a. Approval. Upon determination that a site plan is in full compliance with the standards and requirements of these regulations and other applicable township regulations and laws, approval shall

be granted.

b. Approval with conditions.

1. Upon determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. Conditions may include the requirement to obtain variances or obtain approvals from other agencies. For example, as a condition of approval, the planning commission may delegate the responsibility for final approval of engineering and other technical issues to the township engineer or other appropriate staff or consultants. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating full compliance with the required conditions.

2. The planning commission may require that the applicant resubmit the site plan for final approval by the planning commission after conditions have been met. The planning commission may waive its right to review the revised plan, and delegate authority to the zoning administrator to review and approve a revised site plan on the commission's behalf after required conditions have been addressed. The planning commission may require that the zoning administrator secure a favorable recommendation from the township planner and/or township engineer prior to the revised plan being considered approved.

c. Denial. Upon determination by the planning commission that a site plan does not comply with the standards and regulations set forth in these regulations, or that the submittal requires extensive revision to comply with standards and regulations, approval of the site plan shall be denied.

d. Table the site plan. Upon determination by the planning commission that a site plan is not sufficiently complete for approval or rejection, or upon a request by the applicant, the planning commission may table consideration of a site plan until a later meeting.

(6) Recording of site plan review action.

a. Each action taken with reference to a site plan review shall be duly recorded in the minutes of the planning commission. The grounds for action taken upon each site plan shall also be recorded in the minutes.

b. After the planning commission has taken final action on a site plan, the planning commission secretary shall clearly mark three copies of the application and final site plans approved or denied, as appropriate, with the date that action was taken. One marked copy will be returned to the applicant and the township will keep the other two copies on file.

(7) *Procedure after site plan approval.*

- a. *Building permit.* Following final approval of the site plan by the planning commission, the applicant may apply to the township for a building permit. The issuance of a building permit shall be subject to the review of construction plans by the building department and, if deemed necessary by the building official, the township engineer. It shall be the responsibility of the applicant to obtain all applicable township, county or state permits prior to issuance of a building permit.
- b. *Approval expiration.* Site plan approval becomes null and void if substantial construction has not commenced within 12 months following the final approval of the site plan by the planning commission, or if construction has not been completed within 12 months after it commenced following the issuance of a building permit. In such a case, the applicant shall file a new application. Review by the planning commission of the new application and site plan shall be required.
- c. *Approval extensions.* Upon written request of the applicant, prior to the expiration of a previously granted approval, the planning commission may review the circumstances surrounding a failure to meet the required deadlines. The planning commission may grant an extension of up to 12 months to an approval if it finds that the approved site plan continues to adequately represent current conditions on and surrounding the site and that the site plan conforms to the standards of the township regulations in effect at the time of the applicant's request for an extension.
- d. *Application for certificate of occupancy.* Following building construction and completion of site work, the applicant may apply to the township for a certificate of occupancy or a temporary certificate of occupancy from the building official in accordance with the procedures set forth in section [40-80](#). It shall be the applicant's responsibility to obtain the required certificates prior to any occupancy of the property.
- e. *Site maintenance after approval.* It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until:
1. The property is razed;
 2. New zoning regulations supersede the regulations upon which site plan approval was based;
or
 3. A new site design is approved following planning commission review.

Any property owner who fails to maintain an approved site plan in full compliance with approvals granted by the planning commission according to the provisions of these regulations, shall be deemed in violation of the use provisions of these regulations and shall be subject to the penalties stated in

section [40-83](#).

(8) *Revocation.* The planning commission may revoke an approved site plan if construction on the site is not completed or is not progressing in a manner consistent with the approved plans. In such a case, the site plan shall be placed on the agenda of a planning commission meeting for a public hearing. The zoning administrator shall cause written notice to be provided to the applicant at least ten days prior to the meeting and shall publish notice of said hearing no later than five days prior to the date and time. The notice shall reduce all alleged inconsistencies and violations to writing. The zoning administrator, the building official, other appropriate township staff, the applicant and other interested persons shall be allowed to present information and testimony to the planning commission at the hearing. If the planning commission finds that an inconsistency or violation of the approved site plan exists at the time of the hearing, then, by a majority vote of attending members, the planning commission may revoke the approval of the site plan and order the site returned to its original condition by a date certain. Failure to comply with such an order shall be deemed a violation of the use provisions of these regulations and shall be subject to the penalties stated in section [40-83](#).

(9) *Modification to approved plan.* A previously approved site plan may be subsequently modified, subject to the following requirements:

a. *Review of minor modifications to site plans.*

1. Minor modifications to an approved site plan may be reviewed and approved by the zoning administrator consistent with the minimum information requirements for a sketch plan as stated in subsection (e)(10) of this section; provided, that the requested modifications meet the definition of a minor modification and do not include any one of the following items:

- (i) A request for a variance;
- (ii) A special land use;
- (iii) A planned development plan; or
- (iv) The continuation of a nonconforming use or structure.

2. Minor modifications that require a variance, special land use, planned development or continuation of a nonconforming use or structure shall be subject to review and approval by the planning commission.

- (i) *Minor modification defined.* Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services or the vulnerability to hazards. Examples of minor

modifications include:

- A. An addition to an existing building that does not increase or decrease the floor space by more than 25 percent or 3,000 square feet, whichever is less, providing parking modifications are not proposed or required.
- B. Reoccupancy of a building by a similar use permitted by these regulations.
- C. Changes to building height that do not add an additional floor.
- D. Additions or alterations to the landscape plan or landscape materials.
- E. Relocation or resizing utility supply lines or service connections.
- F. Relocation or screening of the trash receptacle.
- G. Alterations to the internal parking layout of an off-street lot in which the total available spaces is unchanged.
- H. Detached accessory structures 1,200 square feet or less.

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

(ii) *Determination of minor modification.* The zoning administrator shall determine if the proposed modifications are minor in accordance with the guidelines in this section. In order to make a determination, the zoning administrator may solicit comments and recommendations from the township attorney, township planner, township engineer and public safety officials, as deemed necessary.

b. *Modifications not deemed minor.* If the zoning administrator does not deem the modifications minor, then review and approval of the changes by the planning commission shall be required.

Planning commission review shall be required for all site plans that involve:

- 1. A request for a variance;
- 2. A special land use;
- 3. A discretionary decision such as a planned development plan; or
- 4. The continuation of a nonconforming use or structure.

Township board review and approval shall be required for modifications to a site plan that originally required township board approval.

c. Recording of action. Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the zoning administrator. The zoning administrator shall have the authority to require a new site plan for the purposes of clarity. The planning commission shall be advised of all minor site plan modifications approved by the zoning administrator and such modifications shall be noted on the site plan and in the minutes of the planning commission.

(10) *Required information for sketch plans.* The following information shall accompany or be included on all sketch plans:

a. An application form containing information as required in section [40-79\(b\)\(1\)](#) shall be prepared and submitted with the sketch plan.

b. Sketch plans shall consist of an overall plan for the building and site or part of a site related to the building. The plan shall be drawn to a scale of not less than one inch equals 20 feet (1"=20') for property less than one acre, one inch equals 30 feet (1"=30') for property larger than one acre, and one inch equals 50 feet (1"=50') for property larger than three acres. Sheet size shall be at least 24 inches by 36 inches. The following description and identification information shall be included on all sketch plans:

1. Scale and north point.
2. Name, address and telephone number of the applicant and the person preparing the drawing.
3. Zoning classification of the subject site.
4. Property boundary lines and dimensions. If more than one lot is included in the site, the lot lines of each lot shall be indicated.
5. Front, side and rear setbacks dimensioned from the minimum locations.
6. Existing and proposed driveways and edges of all existing and proposed paved surfaces, as required.
7. Parking spaces for the use, at the size required by this chapter.
8. The outline and dimensions of all existing and proposed exterior building walls on the site.

9. All exterior site improvements or modifications proposed in conjunction with the use described on the sketch plan including, but not limited to, building construction, new pavement, landscaping, trash receptacle and site clearing.
10. A written description of the proposed use.
11. A floor plan describing the use of all interior floor space.

(Ord. No. 147-43, § 6.002, 12-15-2003; Ord. No. 227, 8-1-2011)

40-53—40-77. Reserved.

40-78 Intent and scope of regulations.

It is the purpose of this division to provide procedures and related standards for the review for the application of this chapter.

(Ord. No. 147-43, § 16.001, 12-15-2003)

40-79 Special use procedures and standards.

(a) Intent. The procedures and standards in this section are intended to provide a consistent and uniform method for review of special use proposals. Special uses are uses, either public or private, that possess unique characteristics and therefore cannot be properly classified as permitted uses in a particular zoning district without special consideration. These review procedures and standards are intended to accomplish the following:

- (1) Ensure full compliance with the standards contained in this chapter and other applicable local ordinances, and state and federal laws.
- (2) Achieve efficient use of the land.
- (3) Prevent adverse impact on adjoining or nearby properties.
- (4) Protect natural resources.
- (5) Facilitate development in accordance with the township's land use objectives.

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

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

representative should be present at all scheduled review meetings or consideration of the proposal may be tabled.

- (2) Application forms and documentation. The application for special use shall be made on the forms and according to the guidelines as provided by the zoning administrator.
- (3) Application data requirements. A site plan shall be submitted with the special use application. In addition, the applicant shall complete any forms and supply any other data that may be required by the planning commission, township board or township staff to make the determination required herein. The applicant shall provide all necessary written or graphic materials to document compliance with the standards set forth in subsection (c) of this section, and other regulatory guidelines specified for particular special uses elsewhere in this chapter.
- (4) Site plan preparation. The site plan shall be prepared in the manner specified in article II, division 2, and submitted as required on the special use application form. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review and approval.
- (5) Submission of a completed plan. The special use application materials, required fees and the required number of copies of the completed site plan shall be submitted to the building department for review.
- (6) Review by the township officials. The zoning administrator and other appropriate township officials shall review the site plan and application materials, and prepare a written review, which shall specify any deficiencies in the site plan and application and make recommendations as appropriate.
- (7) Submission of a revised plan and special use application. The applicant shall revise the site plan and application materials, based on the recommendations set forth in the zoning administrator's review. The applicant shall then submit the required number of copies of the revised plan for further review by staff and the planning commission.
- (8) Planning commission consideration. After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:
 - a. Acceptance for processing. The application shall be placed on the agenda of the next available scheduled planning commission meeting and a public hearing shall be scheduled.
 - b. Public hearing. Notice of the public hearing shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Such notification shall be made in accordance with the provisions in section 502 of Public Act No. 110 of 2006 (MCL

125.3502).

c. Planning commission review. Following the public hearing, the special use proposal and plan shall be reviewed by the planning commission, based on the standards and regulations in this section.

d. Plan revision. If the planning commission determines that revisions are necessary to bring the special use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised application and site plan. Following submission of revised application materials, the special use proposal shall be placed on the agenda of the next available scheduled meeting of the planning commission for further review and action.

(9) Planning commission determination. The planning commission shall review the application for special use, together with the public hearing findings and reports and recommendations from the building official, zoning administrator, township planner, township engineer, public safety officials and other reviewing agencies. The planning commission shall then make a determination on the special use application, based on the requirements and standards of this chapter. The planning commission may approve, approve with conditions or deny a special use request as follows:

a. Approval. Upon determination by the planning commission that the final plan for special use is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, approval shall be granted.

b. Approval with conditions. The planning commission may impose reasonable conditions with the approval of a special use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements:

1. Conditions shall be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Conditions shall be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.

3. Conditions shall be necessary to meet the intent and purpose of this chapter, related to the standards established in this chapter for the land use or activity under consideration, and necessary to ensure compliance with those standards.

c. *Denial.*

1. Upon determination by the planning commission that a special use proposal does not comply with the intent of the adopted township master plan and/or the standards and regulations set forth in this chapter, or would otherwise be injurious to the public health, safety, welfare or orderly development of the township, the special use proposal shall be denied.
2. The planning commission shall prepare and transmit a report to the township board stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.

(10) *Submission of plans for township board.* After the planning commission makes its determination, the special use application and site plan shall be submitted to the township board for possible consideration. The township board shall have 20 days to formally take the application under consideration in a public meeting or to formally decide that they will consider the application at a future public meeting or not consider it as a board. If the township board does not take the application under consideration, the decision by the planning commission shall become final. If the township board does consider and act on the application, then the planning commission's decision shall be considered a recommendation and the decision by the township board shall become final.

(11) *Conditional approval.* If a dimensional or other site plan related variance (e.g., lot dimensions, setbacks, building height, lot coverage, parking, etc.) is required to be granted for a special use approval, the planning commission may conditionally approve the site plan, or the township board, if they consider and act on the application, may conditionally approve the site plan, both subject to the subsequent granting of a variance with the requirement for a public hearing being held by the zoning board of appeals.

(12) *Public hearing.* If the township board chooses to consider a special use application, it shall first schedule a public hearing, in accordance with subsection (b)(8)b of this section.

(13) *Township board determination.* If the application and site plan is considered by the township board, the board shall make a determination based on review of the application and site plan together with the findings of the planning commission, and the reports and recommendation from the building official, zoning administrator, township planner, township engineer, public safety officials and other reviewing agencies. Following completion of its review, the township board shall approve, approve with conditions or deny a special use proposal in accordance with the guidelines described in subsection (b)(9) of this section for the planning commission.

(14) *Recording of planning commission and township board action.* Each action taken with respect to a special use shall be duly recorded in the minutes of the planning commission or township board, as appropriate. The minutes shall record the findings of fact relative to each special use proposal, the grounds for the action taken and any conditions imposed in conjunction with approval.

(15) *Effect of approval.* Upon approval, a special use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located.

(16) *Zoning board of appeals authority.* The zoning board of appeals is not authorized to reverse or modify a planning commission or township board's decision to approve or deny a special land use permit, nor grant variances to their conditions placed on a special land use approval, with the following exceptions:

- a. The ZBA may grant dimensional or other site plan related variances (e.g., lot dimensions, setbacks, building height, lot coverage, parking, etc.) for special land uses, subject to the conditional approval of the planning commission or township board.

(17) *Application for a building permit.* Prior to issuance of a building permit, the applicant shall submit proof of the following:

- a. Final approval of the special use application.
- b. Final approval of the site plan.
- c. Final approval of the engineering plans.
- d. Acquisition of all other applicable township, county or state permits.

(18) *Expiration of special use approval.* If construction has not commenced within 24 months of final approval, the approval becomes null and void and a new application for special use shall be required. Upon written request from the applicant, a 12-month extension may be granted by the body which made the final decision on the initial request, if it finds that the approved special use application and site plan adequately represent current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date or a new application for special use review will be required.

(19) *Revocation of special use approval.* Approval of a special use proposal and site plan may be revoked by the body that made the final decision if construction is not in conformance with the approved plans. In such a case, the building official shall ask that the special use proposal be placed on the agenda of the planning commission or township board, as appropriate. Written notice shall be provided to the applicant at least five days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The planning commission or township board, as appropriate, may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

(20) *Performance guarantee.* The planning commission or township board may require that a performance guarantee be deposited with the township to ensure faithful completion of the improvements. Improvements

that shall be covered by the performance guarantee include, but are not necessarily limited to, landscaping, open space improvements, streets, lighting and sidewalks. The performance guarantee shall comply with the requirements in section [40-82](#)

(c) *Standards for granting special use approval.* Approval of a special use proposal shall be based on the determination that the proposed use will comply will all applicable requirements of this chapter, including site plan review criteria set forth in article II, division 2 of this chapter, applicable site development standards for specific uses set forth elsewhere in this chapter, and the following standards:

(1) *Compatibility with adjacent uses.* The proposed special use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- b. The location and screening of outdoor storage, outdoor activity or work areas and mechanical equipment in relation to surrounding development.
- c. The hours of operation of the proposed use. Approval of a special use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- d. The bulk, placement and materials of construction of the proposed use in relation to surrounding uses.

(2) *Compatibility with the master plan.* The proposed special use shall be consistent with the general principles and objectives of the adopted comprehensive master plan of the township.

(3) *Compliance with applicable regulations.* The proposed special use shall be in compliance with all applicable federal, state and local laws and ordinances.

(4) *Use of adjacent property.* The special use shall not interfere with the use and enjoyment of adjacent property.

(5) *Public services.* The proposed special use shall not exceed the capacity of existing and available public services, including, but not necessarily limited to, utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special use is completed.

(6) *Impact of traffic.* The location of the proposed special use within the zoning district shall minimize the impact of traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- a. Proximity and access to major thoroughfares.
- b. Estimated traffic generated by the proposed use.
- c. Proximity and relation to intersections.
- d. Adequacy of driver sight distances.
- e. Location of and access to off-street parking.
- f. Required vehicular turning movements.
- g. Provision of pedestrian traffic.

(7) *Enhancement of surrounding environment.* The proposed special use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:

- a. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this chapter may be required as a condition of approval of a special use.
- b. The bulk, placement and materials of construction of proposed structures in relation to surrounding uses.

(8) *Impact on public health, safety and welfare.* The proposed special use shall not involve any activities, processes, materials, equipment or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.

(9) *Isolation of existing uses.* The location of the proposed special use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed special use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.

(10) *Need for the proposed use.* The planning commission and/or township board shall find that a need for the proposed use exists in the community at the time the special use proposal is considered.

(Ord. No. 147-43, § 16.002, 12-15-2003; Ord. No. 227, 8-1-2011)

40-80 Permits and certificates.

(a) Permits.

(1) Required. A building permit or other appropriate permit shall be required as follows:

- a. Prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure.
- b. Prior to the installation, extension or replacement of plumbing, electrical, drainage or similar utility systems.
- c. Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
- d. Prior to any change in use of an existing building or structure to a different class or type.

(2) *Definition of alteration and repair.* For the purposes of this section, the terms "alteration" and "repair" shall include any changes in structural parts, stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the adopted state construction code, or other federal, state, county or township codes or regulations.

(3) Application requirements.

- a. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted showing that the proposed improvements conform with the provisions of these regulations and with the state construction code.
- b. Applications for permits required by this section shall be filed with the building official on forms prescribed by that official. Each application shall be accompanied by a written explanation of the proposed improvements and, if applicable, a plan of the site drawn to scale. Submitted plans shall be of sufficient detail for the official to determine whether the proposed improvements conform with these regulations, the state construction code, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), and other applicable laws and ordinances.
- c. A site plan submitted and approved by the planning commission in accordance with these regulations shall satisfy the requirements of this section. At a minimum, the applicant must supply the

following information:

1. The location, dimensions and parcel identification (sidwell) number of the land parcel.
 2. Existing buildings or structures, plus the shape, size and location of all buildings or structures to be erected, altered or moved.
 3. The existing and intended use of the parcel.
 4. On residential parcels, the number of dwelling units contained within each building.
 5. The name and address of all persons having an ownership interest in the premises upon which the improvements are proposed, together with a written statement from all such persons indicating knowledge of and agreement with the proposal.
 6. All information required by the state construction code.
 7. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of these regulations will be complied with.
- (4) Conformity with applicable ordinances and approved plans.
- a. A building permit shall be issued only if, after thorough inspection of the application materials and plans, the building official finds that the proposal conforms with these regulations, the state construction code act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), township adopted codes, and other applicable laws and ordinances, except where the building official receives written notice of a variance having been granted by the zoning board of appeals or local body authorized to hear construction code appeals.
 - b. A building permit issued on the basis of a site plan approved by the planning commission shall incorporate full compliance with the approved site plan as a condition of the issuance of the permit. Modifications to an approved site plan shall be in compliance with these regulations. Use, layout or construction at variance with approved plans or application materials shall be deemed in violation of these regulations, and subject to penalties in accordance with section [40-83](#)
- (5) Expiration of permits. A building permit issued pursuant to the provisions of these regulations shall be consistent with the procedures stated within the adopted state construction code. Expiration and notification requirements of the applicable code shall be followed.
- (6) Inspection of completed work. The holder of any building permit issued pursuant to the requirements in this section shall notify the building official for a final inspection and request a certificate of occupancy

upon completion of the work authorized by the permit and prior to occupancy.

(b) Certificates of occupancy. A certificate of occupancy shall be required prior to occupancy or reoccupancy of any use of land, building or structure. It shall be unlawful for any person, firm or corporation to hereafter occupy or reoccupy or for any owner or agent thereof to permit the occupation or reoccupation of any building or addition thereto, or part thereof, for residential purpose until a certificate of occupancy has been issued by the township building official. The following guidelines shall apply to certificate of occupancy:

(1) General requirements.

- a. Purpose. The purpose of a certificate of occupancy is to permit the occupancy or use of land, buildings or structures. The certificate of occupancy can be issued only upon the determination by the zoning administrator and the building official that the site is in compliance with the provisions of these regulations, the requirements of the adopted township building and construction codes, adopted township engineering standards, and that all outstanding township fees, fines or other charges have been paid.
- b. Certificates for new and existing buildings. Certificates of occupancy shall be issued for new or existing buildings or structures, or parts thereof, or for existing or new uses of land if, after inspection, the building official finds that any alterations, extensions, repairs or new construction have been completed in conformity with the provisions of these regulations and other regulations of the township, and provided further that the proposed use is fully in compliance with these regulations. Failure to obtain a certificate of occupancy prior to commencing the use of property shall constitute a violation of these regulations, subject to the penalties set forth in section [40-83](#)
- c. Temporary certificates. A temporary certificate of occupancy may be issued by the building official, upon approval of the zoning administrator, for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure or premises is in conformity with the provisions of these regulations and other applicable regulations of the township, and provided further that no threat to public safety exists. A performance guarantee may be required by building official in accordance with section [40-82](#) as a condition of obtaining a temporary certificate. No temporary certificate of occupancy shall be granted for a period in excess of six months. The date of expiration shall be indicated on the temporary certificate; failure to obtain a final certificate of occupancy within the specified time shall constitute a violation of these regulations, subject to the penalties set forth in section [40-83](#)
- d. Certificates for accessory buildings to dwellings. Buildings and structures that are accessory to a dwelling shall not require a separate certificate of occupancy, but may be included in the certificate of occupancy for the principal use on the same parcel, provided that the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.

- (2) Period of validity. A final certificate of occupancy shall remain in effect for the life of the building or structure, or part thereof, as long as the specific operation conducted within the building or structure or use of the land continues. A certificate of occupancy shall be required of any new occupant upon a change in occupancy of the building, structure or land.
- (3) Records of certificates. A record of all certificates of occupancy shall be kept in the office of the building official. Copies of such certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.
- (4) Application requirements. An application for a certificate of occupancy shall be made on forms supplied by the building official and must be accompanied by the fees specified. A certificate of occupancy may be processed concurrently with an application for a building permit, if a building permit is required. The zoning administrator shall determine if a nonresidential occupancy change requires site plan review and approval by the planning commission pursuant to article II, division 2 of this chapter.
- (5) Issuance of certificate. The building official shall inspect a building or structure within 15 working days after notification by an applicant of the completion of a building or structure or other improvements. The building official shall issue a certificate of occupancy upon finding that the building or structure, or part thereof, or the use of land conforms to an approved site plan and the provisions of these regulations. If the request for a certificate of occupancy is denied, the applicant shall be notified in writing of the denial and the reasons for denial.

(Ord. No. 147-43, § 16.003, 12-15-2003)

40-81. Fees.

- (a) Any application for an amendment to this chapter, site plan review, review of a special land use proposal, review of a planned development proposal, request for a variance, request for inspection, request for a building or zoning permit, request for a certificate of occupancy or other request for other action pursuant to the regulations set forth in this chapter shall be subject to and accompanied by a fee as established by the township board. Such fees shall be collected in advance of any reviews, inspections or issuance of any permits or approvals. Upon notification of deficient payment of fees, administrative officials charged with enforcement of this chapter shall cause any permits to be suspended and reject applications for new permits directly associated with the project.
- (b) The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in section [40-82](#)
- (c) There shall be no fee in the case of applications filed in the public interest by a municipal department or township official.

(Ord. No. 147-43, § 16.004, 12-15-2003)

40-82. Performance guarantee.

(a) Intent and scope of requirements. To ensure compliance with the provisions of this chapter and any conditions imposed under this chapter, the planning commission may require that a performance guarantee be deposited with the township to ensure faithful completion of improvements, in accordance with section 505 of Public Act No. 110 of 2006 (MCL 125.3505). Improvements for which the township may require a performance guarantee include, but are not limited to, roadways, lighting, utilities, sidewalks, screening and drainage.

(b) General requirements. The performance guarantee shall meet the following requirements:

- (1) The performance guarantee shall be in the form of a cash deposit, certified check, surety bond or performance bond which names the property owner as the obligor in favor of the township.
- (2) The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the township shall deposit the funds in an interest bearing account in a financial institution with which the township regularly conducts business.
- (3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The zoning administrator shall determine the exact amount of the performance guarantee.
- (4) The entire performance guarantee, including accrued interest, shall be returned to the applicant following a final inspection by the building official and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent shall be held back on each element until satisfactory completion of the entire project.

(c) Unsatisfactory completion of improvements. Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this chapter, the township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

(Ord. No. 147-43, § 16.005, 12-15-2003)

40-83. Violations and penalties.

(a) Public nuisance. Buildings erected, altered, razed or converted (including tents, mobile homes and trailer coaches), or uses carried on in violation of any provision of these regulations are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

(b) Violation. Any person, firm, corporation or agent, or any employee, contractor or subcontractor of same, who fails to comply with any of the provisions of these regulations or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of these regulations by an enforcement official shall be deemed in violation of these regulations.

(c) Penalties.

(1) Any violation of any of the provisions of this chapter, or failure to comply with any of its requirements, shall be deemed a municipal civil infraction as defined by the township's municipal civil infraction ordinance, and shall be punishable pursuant to the township's municipal civil infraction ordinance.

(2) A violator of this chapter shall also be subject to such additional sanctions and judicial orders as are authorized under state law.

(3) Each day that a violation of this chapter continues to exist shall constitute a separate violation of this chapter.

(4) Nothing in this section shall prevent the township board or a private citizen from taking such additional lawful action as is necessary to restrain or prevent any violation of this chapter.

(d) Authority to pursue court action. The township supervisor or a duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the circuit court, or any other court having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of these regulations, and to correct, remedy or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the township in such an action to abate the violation.

(e) Other remedies. The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of these regulations, or to correct, remedy or abate such noncompliance.

(f) Rights and remedies preserved. Any failure or omission to enforce the provisions of these regulations, and failure or omission to prosecute any violations of these regulations, shall not constitute a waiver of any rights and remedies provided by these regulations or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of these regulations.

(Ord. No. 147-43, § 16.006, 12-15-2003; Ord. No. 147-46, 11-21-2005)

40-84. Records.

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

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

(c) A copy of any application, permit, certificate, transcript of a public meeting or other item of the public record, may be obtained from the appropriate township office upon payment of copying costs.

(Ord. No. 147-43, § 16.007, 12-15-2003)

40-85—40-111. Reserved.

40-112. Variances and appeals.

(a) Statement of purpose. The purpose of this section is to define the procedures for requesting a variance from the standards and/or requirements of this chapter or filing an appeal in response to an order, requirement, permit, decision or refusal issued by any official charged with review or action under this chapter. Variance or appeal requests shall be filed with the zoning board of appeals, whose authority is defined in Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The ZBA has no authority to modify or change any part of this chapter or the boundaries as stated on the official zoning map. That power is reserved to the township board of trustees of the township, in the manner provided by law. The ZBA is strictly prohibited from granting variances in the case of an approval or an approval with conditions placed upon special land uses as regulated in section [40-79\(b\)\(15\)](#). The ZBA is strictly prohibited from granting variances for standards or conditions established in PD planned development zoning district as stated in section [40-592\(b\)\(4\)](#).

(b) Variance and appeals.

(1) Variance. Upon formal appeal, the ZBA is authorized to grant a variance from the strict application of the provisions of this chapter. In granting a variance, the ZBA may attach such conditions and safeguards regarding the location, character and other features of the proposed uses as the ZBA may deem reasonable so that the spirit of this chapter is observed, public safety secured and substantial justice done. In granting a variance, the ZBA shall clearly state the grounds upon which it justifies the granting of the variance.

(2) Appeal. An appeal may be filed when it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by any office, department, board or bureau aggrieved by a decision of the planning commission or any administrative or enforcement officer charged with enforcement

of this chapter.

(c) Application requirements.

(1) Application for variances and appeals. A person filing an application to the ZBA shall use forms as specified by the ZBA. All fees shall accompany an application before any action shall commence to review the application. The application shall specify the grounds upon which the appeal is based and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the section number containing the standards from which a variance is sought and the nature and extent of such variance.

(2) Stay of proceedings. Completion of an application and payment of required fees for an appeal to the ZBA shall stay all proceedings in furtherance of the appealed action, unless the planning commission, zoning official or any other administrative official certifies to the ZBA, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the circuit court.

(3) Fees. The township board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the ZBA from time to time. When the notice for appeal is filed, the established fee must be paid to the township and shall be credited to the general revenue fund.

(4) Sketch plan requirements. A sketch that includes the following information, as applicable, must accompany applications for the specific site:

- a. Applicant's name, address and telephone number.
- b. Property identification (sidwell) number, scale, north point and dates of submission and revisions.
- c. Zoning classification of petitioner's parcel and all abutting parcels.
- d. Existing lot lines, building lines, structures, parking areas, driveways and other improvements on the site and within 50 feet of the site.
- e. For variances requested from any dimensional standard of this chapter, the sketch plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.
- f. Any additional information required by the building official or the ZBA to make the determination requested herein.
- g. Where an application to the ZBA involves a variance sought in conjunction with a site plan review

by the planning commission, the application data requirements for site plan review, as set forth in article III, division 1 of this chapter shall be followed.

(5) Formal record of requests. The ZBA shall prepare, build and retain a formal record of each variance request or appeal consideration and shall base its decision on said record. The formal record shall include all of the following:

- a. The relevant administrative records and the administrative orders issued thereon relating to the appeal.
- b. The notice of the appeal.
- c. Such documents, exhibits, plans, photographs or written reports as may be submitted to the ZBA for its consideration.

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

(6) Approval period. If construction has not commenced within 12 months after the ZBA grants a variance to allow the erection or alteration of a building, then the variance becomes null and void. The period of approval may be automatically extended by 12 months if the variance was sought in conjunction with a site plan for which approval has been extended by the planning commission.

(d) Standards for ZBA action. Variances and appeals shall be granted only in accordance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The action shall be based on findings regarding the standards set forth in this section. Variances and appeals shall not be granted solely upon economic or financial considerations. The extent to which the following criteria apply to a specific case shall be determined by the ZBA and become part of the formal record of the case.

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

consistent with justice to other property owners.

- c. Public safety and welfare. The requested variance or appeal can be granted in such fashion that the spirit of this chapter will be observed and public safety and welfare secured.
- d. Extraordinary circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.
- e. Preservation of property rights. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district.
- f. No safety hazard. The granting of a variance or appeal shall not increase the hazard of fire or otherwise endanger public safety.
- g. No impact on land values. The granting of a variance or appeal shall not unreasonably diminish or impair the value of surrounding properties.
- h. Neighborhood character. The granting of a variance or appeal shall not alter the essential character of the neighborhood or surrounding properties.
- i. Supply of light and air. The granting of a variance or appeal shall not impair the adequate supply of light and air to any adjacent property.
- j. Promotes orderly development. The size, character and location of any development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.
- k. Traffic flow. Any development allowed upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.
- l. No nuisance impacts. Any development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights or other undesirable impacts on surrounding properties.
- m. Impact on adjacent properties. The location, design and height of a building, structure, fence or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate

development, continued use or value of adjacent land or buildings.

n. Relationship to adjacent land uses. The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development and the need for particular services and facilities in specific areas of the township.

(2) Criteria applicable to appeals. The ZBA is authorized to reverse an order of the enforcement official or body only if it finds that the action appealed meets one or more of the following standards:

- a. Was arbitrary or capricious;
- b. Was based on an erroneous finding of a material fact;
- c. Constituted an abuse of discretion; or
- d. Was based on erroneous interpretation of this chapter, zoning law or zoning case law.

(e) Time requirements.

(1) Building permit required. No order of the ZBA that allows the erection of a building or other structure shall be valid for longer than a 12-month period unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and is considered active according to the criteria of the township building department.

(2) Use establishment. No order of the ZBA allowing the use of a building premises shall be valid for longer than a 12-month period unless such a use is established within the period. However, if the use permitted by the ZBA is dependent upon the erection or alteration of a building or structure, 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 their terms of such permit.

(f) Decision final. The decision of the ZBA shall be final, but shall be subject to review by the circuit court. The circuit court may order the ZBA to rehear a case in the event that the court finds that the record of the ZBA is inadequate to make the proper review, or that there is additional evidence that is material and with good reason was not presented to the ZBA.

(Ord. No. 147-43, § 18.001, 12-15-2003)

40-113. Amendments.

(a) Statement of purpose. The township board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the official zoning map or the text provisions of this chapter. Amendments to the text of this chapter may be initiated by the township board, the planning commission or by petition from one or more residents or property owners of the township. The township board, the planning commission or the owner of property that is the subject of the proposed amendment may initiate an amendment to the zoning district boundaries contained on the official zoning map. All proposed amendments to the provisions of this chapter or the official zoning map shall be referred to the planning commission for public hearing and recommendation to the township board prior to consideration thereof by the township board.

(b) Application procedure. An amendment to this chapter or the official zoning map, except those initiated by the township board or planning commission shall be initiated by submission of a completed application on a form supplied by the township, including an application fee, established from time to time by resolution of the township board.

(1) Amendment application. In the case of an amendment to the official zoning map, the following information shall accompany the application form:

- a. A completed application form and the required fee to cover administrative cost and review by staff and consultants.
- b. A complete legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties within 500 feet.
- c. The name and address of the owner of the subject property, a notarized letter designating the applicant as agent for the property owner, and/or a notarized statement of the applicant's interest in the subject property.
- d. The existing and the proposed zoning district designation of the subject property.
- e. If the request is for a change to the official zoning map, a written description of how the requested rezoning meets subsection (b)(2) of this section.
- f. If the request is for a change to the text of this chapter, a general description of the proposed amendment shall accompany the application form along with a written description of how the requested rezoning meets subsection (b)(3) of this section.

(2) Review criteria for amendment of the official zoning map. In considering any petition for an amendment to the official zoning map, the planning commission and township board shall consider the following criteria in making its findings, recommendations and decision:

- a. Consistency with the goals, policies and future land use map of the township comprehensive

development plan, including any sub-area, corridor or related planning studies. If conditions have changed since the plan was adopted, the consistency with recent development trends in the area.

- b. Compatibility of the site's physical, geological, hydrological and other environmental features with potential impacts from all uses permitted in the proposed zoning district.
- c. Evidence that the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning classification.
- d. The compatibility of all of the potential allowable uses in the proposed zoning district with surrounding land uses and zoning class in terms of suitability, environmental impacts, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influences on property values.
- e. The availability and capacity of township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the overall health, safety and welfare of the township.
- f. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A traffic impact study is required if the proposed rezoning class permits uses that generate over 100 directional trips during the peak hour or over 1,000 more trips per day than the general uses that could be developed under current zoning.
- g. The potential demand for the types of uses permitted in the requested zoning district in the township in relation to the amount of land in the township currently zoned and available to accommodate that demand.
- h. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and that potential construction on the site will meet the dimensional regulations for the zoning district listed in the schedule of regulations.
- i. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the township's perspective than other possible zoning districts.
- j. If the request is for a specific use, rezoning the land is more appropriate than amending the list of permitted or special land uses for the current zoning district to allow the use.
- k. The requested rezoning will not create an isolated and unplanned spot zone.
- l. The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.

m. Other factors deemed appropriate by the planning commission and/or the township board.

(3) Review criteria for amendments to zoning text. The planning commission and township board shall consider the following criteria for initiating amendments to this chapter's text or responding to a petitioners' request to amend this chapter's text:

a. The proposed amendment corrects an error in this chapter.

b. The proposed amendment clarifies the intent of this chapter.

c. Documentation has been provided from township staff or consultants or the ZBA indicating specific problems and/or conflicts in implementation or interpretation of certain sections of this chapter.

d. The proposed amendment addresses changes to the state legislation.

e. The proposed amendment addresses potential legal issues or administrative problems with this chapter based on recent case law or opinions rendered by the attorney general of the state.

f. The proposed amendment promotes compliance with changes in other township ordinances and county, state or federal regulations.

g. The proposed amendment is supported by the findings of reports, studies or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

h. Other criteria as determined by the planning commission or township board which protects the health and safety of the public, protects public and private investment in the township, promotes implementation of the goals and policies of the master plan or other adopted plans, and enhances the overall quality of life in township.

(c) Amendment procedure.

(1) Public hearing. Upon initiation of a map amendment, a public hearing shall be scheduled by the planning commission to consider the proposed amendment. Notice of the hearing shall be given as required by law.

(2) Planning commission consideration. Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the township board. In the case of an amendment to the official zoning map, the planning commission shall consider the criteria contained in subsection (b)(2) of this section, in making its finding and

recommendation. In the case of a text amendment, the planning commission shall consider the criteria contained in subsection (b)(3) of this section.

(3) Forwarding of recommendation. Following receipt of the findings and recommendation from the township planning commission and the county planning commission, if applicable, the township board shall consider the proposed amendment. In the case of an amendment to the text of this chapter, the township board may modify the proposed amendment prior to enactment. In the case of an amendment to the official zoning map, the township board shall approve or deny the amendment, based on its consideration of the criteria contained in subsection (d) of this section.

(4) Adoption. If the township board approves an amendment to this chapter it shall be approved by an amendatory ordinance drafted by the township attorney and adopted by a vote of the township board at a duly called meeting. This chapter shall be published and become effective pursuant to section 401 of Public Act No. 110 of 2006 (MCL 125.3401).

(d) Amendments required to conform to court decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the township board and published according to law, without the necessity of a public hearing or referral thereof to any other further board, commission or agency.

(Ord. No. 147-43, § 18.002, 12-15-2003)

40-114—40-139. Reserved.

¹ **State Law reference**—Submission and approval of site plan, MCL 125.3501.

ARTICLE III. DISTRICT REGULATIONS

40-140. Creation of districts.

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

R-1	One-family residential district
R-2	One-family residential district
R-3	One-family residential district
RM-1	Multiple-family residential district
RM-2	Multiple-family residential district
RMH	Residential manufactured housing district
O-1	Office district
B-1	Planned business district
B-2	Community business district
B-3	General business district
I-L	Light industrial district
I-H	Heavy industrial district
PSP	Public/semi-public district
PD	Planned development district

(Ord. No. 147-43, § 9.001, 12-15-2003)

40-141. Adoption of zoning map.

(a) The boundaries of the zoning districts listed in section [40-140](#) are hereby established as shown on the official zoning map of the township. The zoning map with all notations, references and other information shown thereon shall be, and is hereby declared to be a part of this chapter as if fully described herein.

(b) In accordance with the provisions of this chapter and the state zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), changes made in district boundaries and other matters portrayed on the zoning map shall be entered on the zoning map after the amendment has been approved by the township board of trustees and has been published in a newspaper of general circulation in the township. No changes of any nature shall be made to the zoning map except in conformity with the procedures set forth in section [40-113](#)

(c) Regardless of the existence of copies of the zoning map that may, from time to time, be made or published, the official zoning map shall be located at the municipal offices and shall be the final authority with regard to the current zoning status of all land in the township.

(Ord. No. 147-43, § 9.002, 12-15-2003)

40-142. Interpretation of district boundaries.

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

- (1) Boundaries indicated as approximately following the centerlines of streets, roads or alleys shall be construed to follow such centerlines. On parcels adjacent to a street or road, the zoning shall be construed to extend to the centerline of the adjacent street or road, unless otherwise indicated on the zoning map.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following township boundaries shall be construed as following such limits.
- (4) Boundaries indicated as approximately following the centerlines of ditches, drains or other bodies of water shall be construed to follow such centerlines.
- (5) Boundaries indicated as parallel to or as an extension of features cited in subsections (1) through (4) of this section shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official zoning map shall be determined using the scale on the map.
- (6) Where there is any uncertainty, contradiction or conflict concerning the intended location of zoning district boundaries, the zoning board of appeals shall interpret the exact location and extent of zoning district boundaries.

(Ord. No. 147-43, § 9.003, 12-15-2003)

40-143. Zoning of vacated areas.

Whenever any street, alley or other public way within the township is vacated, such street, alley or other public way shall be automatically be classified in the same zoning district as the property to which it attaches, and shall be subject to the standards for said zoning district.

(Ord. No. 147-43, § 9.004, 12-15-2003)

40-144. District requirements.

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this

chapter, including, but not limited to, article III, division 5.

(Ord. No. 147-43, § 9.005, 12-15-2003)

40-145—40-171. Reserved.

40-172—40-195. Reserved.

Subdivision II. R-1 One-Family Residential District

40-196. District designation.

The R-1 zoning district shall be known as the R-1 one-family zoning district.

(Ord. No. 147-43, § 10.000, 12-15-2003)

40-197. Statement of purpose.

(a) The intent of the R-1 one-family residential district is to provide areas of the township for the construction and continued use of single-family dwellings within stable neighborhoods with minimal incursion from nonresidential land uses. This district allows for residential lots that are larger in area than other residential districts.

(b) The regulations in this subdivision are intended to promote development that preserves the physical characteristics of the land and natural environment to the maximum extent possible. It is further the intent of this district to prohibit multiple-family, office, business, commercial or industrial use of the land, and to prohibit any other land use which would substantially interfere with single-family development or quality of life in this district.

(Ord. No. 147-43, § 10.001, 12-15-2003)

40-198. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned R-1 one-family residential, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- (1) Single-family detached dwellings.
- (2) Publicly owned and operated parks, parkways and recreation facilities.
- (3) Private parks owned and maintained by homeowner associations.
- (4) Manufactured homes, subject to the provisions in section [40-666](#)
- (5) State-licensed residential facilities which provide resident service for six or fewer persons, such as

family day care homes, adult foster care family homes, foster family homes or foster family group homes, subject to the regulations in section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

(6) Essential services, subject to the provisions in section [40-644\(a\)](#).

(7) Exempt signs, subject to section [40-944](#), and signs allowable in residential districts according to section [40-948](#)

(8) Uses and structures accessory to the above, subject to the provisions in section [40-666](#)

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in section [40-853](#), the following uses may be permitted:

(1) An accessory apartment subject to the provisions in section [40-853\(a\)](#).

(2) Parochial and private elementary, intermediate or high schools licensed by the state to offer courses in general education.

(3) Group day care homes and child care centers, subject to the provisions in section [40-852\(g\)](#).

(4) Religious institutions, subject to the provisions in section [40-852\(r\)](#).

(5) Golf courses, subject to the provisions in section [40-854\(b\)](#).

(Ord. No. 147-43, § 10.002, 12-15-2003)

40-199. Development standards.

(a) Site plan review. Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article II, division 2 of this chapter.

(b) Area, height, bulk and placement requirements. Buildings and uses in the R-1 one-family residential district are subject to the area, height, bulk and placement requirements in article III, division 5 of this chapter.

(c) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(d) Single-family development options.

(1) Cluster option. Single-family development in the R-1 one-family residential district may be developed in accordance with the single-family cluster option pursuant to section [40-853\(d\)](#).

(2) Lot or unit dimensional averaging. Single-family development in the R-1 one-family residential district may be developed using lot or unit dimensional averaging in accordance with section [40-853\(e\)](#).

(e) General development standards. Buildings and uses in the R-1 one-family residential district shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses

(Ord. No. 147-43, § 10.003, 12-15-2003)

40-200—40-221. Reserved.

40-222. District designation.

The R-2 zoning district shall be known as the R-2 one-family zoning district.

(Ord. No. 147-43, § 10.100, 12-15-2003)

40-223. Statement of purpose.

(a) The intent of the R-2 one-family residential district is to provide areas of the township for the construction and continued use of single-family dwellings within stable neighborhoods that consist of density and lot sizes that provide a defined neighborhood environment within the township.

(b) The regulations in this subdivision are intended to promote development that preserves the physical characteristics of the land and natural environment to the maximum extent possible. It is further the intent of this district to prohibit multiple-family, office, business, commercial or industrial use of the land and to prohibit any other use which would substantially interfere with single-family development of or quality of life in this district.

(Ord. No. 147-43, § 10.101, 12-15-2003)

40-224. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned R-2 one-family residential, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- (1) Single-family detached dwellings.
- (2) Publicly owned and operated parks, parkways and recreation facilities.
- (3) Private parks owned and maintained by homeowner associations.
- (4) Manufactured homes, subject to the provisions in section [40-666](#)
- (5) State-licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes or foster family group homes, subject to the regulations in section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (6) Essential services, subject to the provisions in section [40-644](#)
- (7) Exempt signs, subject to section [40-944](#), and signs allowable in residential districts according to section [40-948](#)
- (8) Uses and structures accessory to the above, subject to the provisions in section [40-666](#)

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in section [40-851](#), the following uses may be permitted:

- (1) An accessory apartment, subject to the provisions in section [40-853\(a\)](#).
- (2) Parochial and other private elementary, intermediate or high schools licensed by the state to offer courses in general education.
- (3) Group day care homes and child care centers, subject to the provisions in section [40-852\(g\)](#).
- (4) Religious institutions, subject to the provisions in section [40-852\(r\)](#).
- (5) Private swimming pools and swimming pool clubs.
- (6) Golf courses, subject to the provisions in section [40-854\(b\)](#).

(7) Private noncommercial recreational facilities, such as a subdivision or neighborhood center, a nonprofit swimming pool club or similar facility.

(8) The use of a parcel for gardening or the production of agricultural products, together with facilities for the sale of the products grown thereon, provided that such facilities for the sale of products shall comply with requirements for open-air businesses, section [40-852\(n\)](#).

(Ord. No. 147-43, § 10.102, 12-15-2003)

40-225. Development standards.

(a) Site plan review. Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article II, division 2 of this chapter.

(b) Area, height, bulk and placement requirements. Buildings and uses in the R-2 one-family residential district are subject to the area, height, bulk and placement requirements in article III, division 5 of this chapter.

(c) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(d) Single-family development options.

(1) Cluster option. Single-family development in the R-2 one-family residential district may be developed in accordance with the single-family cluster option pursuant to section [40-853\(d\)](#).

(2) Lot or unit dimensional averaging. Single-family development in the R-2 one-family residential district may be developed using lot or unit dimensional averaging in accordance with section [40-853\(e\)](#).

(e) General development standards. Buildings and uses in the R-2 one-family residential district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls

Article VII Site development
 standards applicable
 to specific uses

(Ord. No. 147-43, § 10.103, 12-15-2003)

40-226—40-243. Reserved.

40-244. District designation.

The R-3 zoning district shall be known as the R-3 one-family residential zoning district.

(Ord. No. 147-43, § 10.200, 12-15-2003)

40-245. Statement of purpose.

(a) The intent of the R-3 one-family residential district is to provide areas of the township for the use and improvement of one- and two-family dwellings. This district is designed to allow for moderate suburban densities that can accommodate a variety of housing types. This district is limited to land areas where existing public sewer and water services allow for the higher density of development.

(b) It is further the intent of this district to prohibit multiple-family, office, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development of or quality of life in this district.

(Ord. No. 147-43, § 10.201, 12-15-2003)

40-246. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned R-3 one-family residential, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- (1) All principal uses and structures permitted in the R-1 and R-2 one-family residential district as specified in sections [40-198\(a\)](#) and [40-224\(a\)](#).
- (2) Two-family dwellings.

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in section [40-79](#), the following uses may be permitted:

- (1) An accessory apartment, subject to the provisions in section [40-853\(a\)](#).
- (2) Parochial and other private elementary, intermediate or high schools licensed by the state to offer

courses in general education.

(3) Group day care homes and child care centers, subject to the provisions in section [40-852\(g\)](#).

(4) Religious institutions, subject to the provisions in section [40-852\(r\)](#).

(5) Private swimming pools and swimming pool clubs.

(6) Private noncommercial recreational facilities, such as a subdivision or neighborhood center, a nonprofit swimming pool club, or similar facility.

(7) The use of a parcel for gardening or the production of agricultural products, together with facilities for the sale of the products grown thereon, provided that such facilities for the sale of products shall comply with requirements for open-air businesses, section [40-852\(n\)](#).

(8) Multiple-family housing for the elderly, subject to the provisions in section [40-853\(b\)](#).

(Ord. No. 147-43, § 10.202, 12-15-2003)

40-247. Development standards.

(a) Site plan review. Site plan review and approval is required for all uses except detached single-family residential uses and two-family dwellings, in accordance with article II, division 2 of this chapter.

(b) Area, height, bulk and placement requirements. Buildings and uses in the R-3 one-family residential district are subject to the area, height, bulk and placement requirements in article III, division 5, schedule of regulations.

(c) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(d) Single-family development options.

(1) Cluster option. Single-family development in the R-3 one-family residential district may be developed in accordance with the single-family cluster option pursuant to section [40-853\(d\)](#).

(2) Lot or unit dimensional averaging. Single-family development in the R-1 one-family residential district may be developed using lot or unit dimensional averaging in accordance with section [40-853\(e\)](#).

(e) General development standards. Buildings and uses in the R-3 one-family residential district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III,	Schedule of

Division 5	regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses

(Ord. No. 147-43, § 10.203, 12-15-2003)

40-248—40-272. Reserved.

Subdivision V. RM-1 Multiple-Family Residential District

40-273. District designation.

The RM-1 zoning district shall be known as the RM-1 multiple-family zoning district.

(Ord. No. 147-43, § 10.300, 12-15-2003)

40-274. Statement of purpose.

The intent of the RM-1 multiple-family residential district is to address the varied housing needs of the community by providing locations for development of multiple-family housing at a higher density than is permitted in the single-family districts. In addressing these housing needs, multiple-family housing in the RM-1 district should be designed in consideration of the following objectives:

- (1) RM-1 developments are generally considered suitable transitional uses between single-family detached housing and nonresidential development.
- (2) Multiple-family housing shall be provided with necessary services and utilities, including usable outdoor recreation space and a well-designed internal road network.
- (3) Multiple-family housing shall be designed to be compatible with surrounding or nearby single-family housing. Accordingly, one- and two-story housing is considered appropriate in the RM-1 district.
- (4) Multiple-family developments in the RM-1 district shall have direct access to a collector road or major thoroughfare.

(Ord. No. 147-43, § 10.301, 12-15-2003)

40-275. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned RM-1 multiple-family residential district, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- (1) Single-family detached dwellings or townhouses, as defined in section [40-244](#), subject to the area, bulk and setback requirements for the R-3 one-family residential district as stated in article III, division 5 of this chapter.
- (2) Single-family attached dwellings or townhouses, as defined in article I of this chapter.
- (3) Multiple-family dwellings, including apartments, terrace apartments and row houses.
- (4) Two-family dwellings.
- (5) Publicly owned and operated parks, parkways and recreation facilities.
- (6) Private parks owned and maintained by a homeowner association or the proprietor of a housing project.
- (7) State licensed residential facility which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes or foster family group homes, subject to the regulations in section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (8) Essential services, subject to the provisions in section [40-644\(a\)](#).
- (9) Exempt signs, subject to section [40-944](#), and signs allowable in residential districts according to section [40-948](#)
- (10) Uses and structures accessory to the above, subject to the provisions in section [40-666](#), including, but necessarily limited to, the following:
 - a. Private swimming pools for the exclusive use of residents and their guests.
 - b. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
 - c. Private garages, carports, community garages or parking lots.

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

- (1) Multiple-family housing for the elderly, subject to the provisions in section [40-853\(b\)](#).
- (2) Public, parochial and other private elementary, intermediate or high schools licensed by the state to offer courses in general education.
- (3) Public or private colleges, universities and other such institutions of higher learning offering courses in general, technical or religious education.
- (4) Nursing homes or convalescent homes, subject to the provisions in section [40-852\(m\)](#).
- (5) Group day care homes and child care centers, subject to the provisions in section [40-852\(g\)](#).
- (6) Religious institutions, subject to the provisions in section [40-852\(r\)](#).
- (7) Golf courses, subject to the provisions in section [40-844\(b\)](#).

(Ord. No. 147-43, § 10.302, 12-15-2003)

40-276. Development standards.

(a) Site plan review. Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article II, division 2 of this chapter.

(b) Area, height, bulk and placement requirements. Buildings and uses in the RM-1 multiple-family residential district are subject to the area, height, bulk and placement requirements in article III, division 5 of this chapter.

(c) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(d) Single-family development options.

- (1) Cluster option. Single-family development in the RM-1 multiple-family residential district may be developed in accordance with the single-family cluster option pursuant to section [40-853\(d\)](#).
- (2) Lot or unit dimensional averaging. Single-family development in the RM-1 multiple-family residential district may be developed using lot or unit dimensional averaging in accordance with section [40-853\(e\)](#).

(e) General development standards. Buildings and uses in the RM-1 multiple-family residential district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses

(Ord. No. 147-43, § 10.303, 12-15-2003)

40-277—40-300. Reserved.

Subdivision VI. RM-2 Multiple-Family Residential District

40-301. District designation.

The RM-2 zoning district shall be known as the RM-2 multiple-family zoning district.

(Ord. No. 147-43, § 10.400, 12-15-2003)

40-302. Statement of purpose.

The intent of the RM-2 multiple-family residential district is to address the varied housing needs of the community by providing locations for development of multiple-family housing at a higher density than is permitted in the single-family districts. In addressing these housing needs, multiple-family housing in the RM-2 district should be designed in consideration of the following objectives:

- (1) RM-2 developments are generally considered suitable transitional uses between single-family detached housing and nonresidential development. The RM-2 district allows for greater density than the RM-1 district.
- (2) Multiple-family housing shall be provided with necessary services and utilities, including usable outdoor recreation space and a well-designed internal road network.
- (3) Multiple-family housing shall be designed to be compatible with surrounding or nearby single-family

housing. Accordingly, one- and two-story housing is considered appropriate in the RM-2 district.

(4) Multiple-family developments in the RM-2 district shall have direct access to a collector road or major thoroughfare.

(Ord. No. 147-43, § 10.401, 12-15-2003)

40-303. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned RM-2 multiple-family residential district, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- (1) Multiple-family dwellings, including apartments, terrace apartments and row houses.
- (2) Two-family dwellings.
- (3) Publicly owned and operated parks, parkways and recreation facilities.
- (4) Private parks owned and maintained by a homeowner association or the proprietor of a housing project.
- (5) State-licensed residential facilities which provide resident service for six or fewer persons such as family day care homes, adult foster care family homes, foster family homes or foster family group homes, subject to the regulations in section 206 of Public Act No. 110 of 2006 (MCL 125.3206).
- (6) Essential services, subject to the provisions in section [40-644\(a\)](#).
- (7) Exempt signs, subject to section [40-944](#), and signs allowable in residential districts according to section [40-948](#).
- (8) Uses and structures accessory to the above, subject to the provisions in section [40-666](#), including, but necessarily limited to, the following:
 - a. Private swimming pools for the exclusive use of residents and their guests.
 - b. In a new housing development, temporary use of a residence as a model during the period of construction and selling or leasing of homes in the development.
 - c. Private garages, carports, community garages or parking lots.
 - d. Signs, subject to the provisions in article X of this chapter.

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in article VII of this chapter, the following uses may be permitted.

- (1) Single-family detached dwelling.
- (2) Multiple-family housing for the elderly, subject to the provisions in section [40-853\(b\)](#).
- (3) Municipal buildings and uses including public libraries, which do not require outside storage of materials or equipment.
- (4) Public, parochial and other private elementary, intermediate or high schools licensed by the state to offer courses in general education.
- (5) Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
- (6) Hospitals, subject to the provisions in section [40-852\(h\)](#).
- (7) Nursing homes or convalescent homes, subject to the provisions in section [40-852\(m\)](#).
- (8) Group day care homes and child care centers, subject to the provisions in section [40-852\(g\)](#).
- (9) Religious institutions, subject to the provisions in section [40-852\(r\)](#).

(Ord. No. 147-43, § 10.402, 12-15-2003)

40-304. Development standards.

(a) Site plan review. Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article II, division 2 of this chapter.

(b) Area, height, bulk and placement requirements. Buildings and uses in the RM-2 multiple-family residential districts are subject to the area, height, bulk and placement requirements in article III, division 5 of this chapter.

(c) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(d) General development standards. Buildings and uses in the RM-2 multiple-family residential district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III,	Schedule of

Division 5	regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses

(Ord. No. 147-43, § 10.403, 12-15-2003)

40-305—40-326. Reserved.

Subdivision VII. RMH Residential Manufactured Housing District²

40-327. District designation.

The RMH zoning district shall be known as the RMH residential manufactured housing district.

(Ord. No. 147-43, § 10.500, 12-15-2003)

40-328. Statement of purpose.

The RMH residential manufactured housing district is intended to allow an alternate form of housing that provides the flexibility of moving living units from place to place. The district is further designed to provide sites for manufactured housing in limited areas to enhance stability, character and property values of the community; increase the possibility of good site planning through the creation of a pleasant residential environment by better facilities for health, sanitation and recreation; and provide the proper community monitoring of all these matters.

(Ord. No. 147-43, § 10.501, 12-15-2003)

40-329. Permitted uses and structures.

The following shall be the permitted principal uses and structures in the RMH residential manufactured housing district:

- (1) Mobile homes as defined in section [40-3](#)
- (2) Exempt signs subject to section [40-944](#) and signs allowable in residential districts according to section [40-948](#)

- (3) Accessory buildings and uses customarily incidental to the above permitted use.

(Ord. No. 147-43, § 10.502, 12-15-2003)

40-330. Development standards.

(a) Site plan review. Site plan review and approval is required for all uses except detached single-family residential uses, in accordance with article II, division 2 of this chapter.

(b) Area, height, bulk and placement requirements. Mobile home parks and the placement of individual mobile homes shall comply will all requirements stated in section [40-853](#)(c).

(c) Site development standards. Mobile home parks shall comply with all standards stated in section [40-853](#)(c).

(Ord. No. 147-43, § 10.503, 12-15-2003)

40-331—40-348. Reserved.

40-349—40-369. Reserved.

Subdivision II. O-1 Office District

40-370. District designation.

The O-1 zoning district shall be known as the O-1 office zoning district.

(Ord. No. 147-43, § 11.000, 12-15-2003)

40-371. Statement of purpose.

(a) The intent of the O-1 office district is to accommodate various types of administrative and professional office uses, as well as certain personal service businesses. These uses can serve as transitional uses between more intensive land uses and less intensive residential uses.

(b) This district prohibits those types of retail and other uses that typically generate large volumes of traffic, traffic congestion, parking problems, require outside storage, or have other impacts that could negatively affect the use or enjoyment of adjoining properties. Accordingly, low rise office buildings in landscaped settings with sufficient off-street parking are considered the most appropriate land uses in this district.

(Ord. No. 147-43, § 11.001, 12-15-2003)

40-372. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned O-1 office district, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- (1) Office buildings for any of the following professions or occupations: administrative, professional, business, financial management, publishing, accounting, writing, clerical, drafting, real estate, business machines, computers, general sales, secretarial, stenographic, business support services, and like uses subject to the intent and limitations of this subdivision.
- (2) General office buildings and related uses, provided that goods are not manufactured nor are any consumer goods sold on the premises.
- (3) Business and technical schools.
- (4) Funeral homes developed in accordance with the provisions of section [40-852\(f\)](#).
- (5) Electronic data processing, computer centers and business support operations provided that consumer goods are not sold.
- (6) Financial institutions without drive-through facilities.
- (7) Medical clinics or offices.
- (8) Pharmacies.
- (9) Public utility offices and publicly owned buildings used for offices or business functions, but not including substations, transformer stations, or storage yards.
- (10) Publicly owned buildings used for office or business functions.
- (11) Other uses not specifically listed in this chapter, following a determination by the zoning administrator that such use is similar to other permitted uses in this district.
- (12) Accessory structures and uses customarily incidental to the above-permitted uses.
- (13) Exempt signs subject to section [40-944](#) and signs allowable in residential districts according to section [40-949](#)

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in article VII of this chapter and section [40-79](#), the following uses may be permitted:

- (1) Financial institutions with drive-through facilities, subject to the provisions of section [40-852\(d\)](#).
- (2) Medical, dental or optional laboratories, excluding the manufacturing of pharmaceutical or any other

products for wholesale distribution.

(3) Veterinary clinics, subject to the provisions of section [40-852\(u\)](#).

(4) Off-premises (billboard) signs, subject to section [40-950](#)

(Ord. No. 147-43, § 11.002, 12-15-2003)

40-373. Development standards.

(a) Required conditions. Unless otherwise noted, buildings and uses in the O-1 office district shall comply with the following requirements:

- (1) Manufacturing of products for wholesale distribution off of the premises is strictly prohibited.
- (2) All business, services or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
- (3) Outside storage of any goods, inventory or equipment is prohibited.
- (4) Warehousing and/or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.
- (5) No interior display shall be visible from the exterior of the building. The total area devoted to display, including both the objects and the floor space set aside for persons observing displayed objects, shall be limited to a single story or basement and shall not exceed 25 percent of the useable floor area of that story.
- (6) Commercially used or commercially licensed vehicles used in the normal operation of a permitted use on the site may be parked to the rear of the building only. This provision applies to operable vehicles that are moved on and off of the site on a regular basis.
- (7) Parking or storage of damaged or disabled vehicles is prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.
- (8) The site shall be maintained in compliance with the open space and landscaping requirements of article VI of this chapter.
- (9) Regulated uses stated in section [40-855](#) are strictly prohibited.

(b) Site plan review. Site plan review and approval is required for all uses in the O-1 office district in accordance with article II, division 2 of this chapter.

(c) Area, height, bulk and placement requirements. Buildings and uses in the O-1 office district are subject to the

area, height, bulk and placement requirements in article III, division 5 of this chapter.

(d) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(e) General development standards. Buildings and uses in the O-1 office district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses
Article X	Sign and outdoor advertising

(Ord. No. 147-43, § 11.003, 12-15-2003)

40-374—40-404. Reserved.

Subdivision III. B-1 Local Business District

40-405. District designation.

The B-1 zoning district shall be known as the B-1 local business zoning district.

(Ord. No. 147-43, § 11.100, 12-15-2003)

40-406. Statement of purpose.

The B-1 local business district is designed for the convenience of persons residing in adjacent residential areas, and is intended to permit only such uses as are necessary to satisfy the limited shopping and services needs of the residents in the immediate area. Commercial development in this district offers a less intensive range of goods and services than uses permitted in the B-2 district and the B-3 districts. Because of the limited variety of

business types permitted in the B-1 district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation and coordination of site features between adjoining sites. Accordingly, B-1 local business district developments should be:

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

(Ord. No. 147-43, § 11.101, 12-15-2003)

40-407. Permitted uses and structures.

(a) Principal uses and structures. In the B-1 local business district, except as otherwise provided in this subdivision, all buildings shall be erected and all lands shall be used only for one or more of the following specified uses:

- (1) Retail stores that supply goods and commodities on the premises for persons residing in adjacent residential areas such as: groceries, dairy products, beverages, packaged baked goods or other foods, drugs, dry goods, notions, hardware, books, stationery, records, videocassette rentals or sales, bicycles, flowers, sporting goods, paints, periodicals, shoes, hobby supplies, collectables and small household articles.
- (2) Personal service establishments such as shoe repair shops, tailor shops, beauty parlors, barbershops, tanning shops, salons and dry cleaning or laundry pickup stations without processing on the premises.
- (3) Financial institutions without drive-through facilities.
- (4) Carry-out restaurants without drive-through facilities.
- (5) Newspaper distribution stations, provided that a loading and unloading area is provided on the site.
- (6) Private clubs and fraternal lodges without facilities offered for rent.
- (7) Public utility business offices.
- (8) Libraries, museums and publicly owned buildings used for offices or business functions.

- (9) Business, executive, administrative and professional offices.
- (10) Stores producing jewelry, leather goods, candles and similar merchandise to be sold at retail on the premises, provided that the services of not more than four persons are required to produce such merchandise.
- (11) Other uses not specifically listed in this chapter, after determination by the zoning administrator that such use is similar to other permitted uses in this district.
- (12) Accessory structures and uses customarily incidental to the above permitted uses.
- (13) Exempt signs subject to section [40-944](#) and signs allowable in nonresidential districts according to section [40-949](#)
- (14) Single-family dwelling.

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in article II, division 2 of this chapter and section [40-79](#), the following uses may be permitted:

- (1) Automatic washer, dryer or dry-cleaning establishments with machines for family washing or dry cleaning, provided that on-site operations are limited to coin-operated machines used directly by customers.
- (2) Financial institutions with drive-through facilities, subject to the provisions of section [40-852\(d\)](#).
- (3) Funeral homes and mortuaries, subject to the provision of section [40-852\(f\)](#).
- (4) Medical or dental clinics and offices.
- (5) Studios for photography, art, music and dancing.
- (6) Retail stores dealing in secondhand merchandise.
- (7) Off-premises (billboard) signs, subject to section [40-950](#)

(Ord. No. 147-43, § 11.102, 12-15-2003; Ord. No. 147-47, 11-7-2005)

40-408. Development standards.

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

- (1) All permitted retail or service establishments shall deal directly with retail customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
- (2) All business, services or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
- (3) There shall be no outside storage of any goods, inventory or equipment. All storage must be directly related to the principal permitted use.
- (4) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
- (5) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.
- (6) All sites shall be maintained in compliance with the open space and landscaping requirements of section [40-815](#)
- (7) Regulated uses stated in section [40-947](#) are strictly prohibited.

(b) Site plan review. Site plan review and approval is required for all uses in the B-1 local business district in accordance with article II, division 2 of this chapter.

(c) Area, height, bulk, and placement requirements. Buildings and uses in the B-1 district are subject to the area, height, bulk, and placement requirements in article III, division 5 of this chapter.

(d) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(e) General development standards. Buildings and uses in the B-1 local business district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements

Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses

(Ord. No. 147-43, § 11.103, 12-15-2003)

40-409—40-429. Reserved.

Subdivision IV. B-2 Community Business District

40-430. District designation.

The B-2 zoning district shall be known as the B-2 community business zoning district.

(Ord. No. 147-43, § 11.200, 12-15-2003)

40-431. Statement of purpose.

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

- (1) Compatible in design with adjacent commercial development;
- (2) Designed as part of a planned shopping center or in coordination with development on adjoining nonresidential sites;
- (3) Buffered and screened from or located away from residential areas; and
- (4) Served by a major thoroughfare, service drive to a major thoroughfare or frontage road for a major thoroughfare.

(Ord. No. 147-43, § 11.201, 12-15-2003)

40-432. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned B-2 community business district, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or

more of the following principal permitted uses:

- (1) All principal uses and structures permitted in the B-1 business district as specified in section [40-408\(a\)](#).
- (2) Bakeries with all goods for retail sale on the premises.
- (3) Duplicating services.
- (4) Commercial parking lots.
- (5) Electronics, bicycle and household appliance repair shops.
- (6) Veterinary clinics, subject to section [40-852\(t\)](#).
- (7) Instruction dance studios provided that the primary use is the instruction of dance. No additional uses other than those directly incidental to the instruction of dance, as determined by the planning commission, shall be permitted.
- (8) Other uses not specifically listed in this chapter, after determination by the zoning administrator that such use is similar to other uses permitted in this district.
- (9) Accessory structures and uses customarily incidental to the above permitted uses.
- (10) Exempt signs subject to section [40-944](#) and signs allowable in nonresidential districts according to section [40-949](#)

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in article II, division 2 of this chapter and section [40-79](#), the following uses may be permitted:

- (1) Carry-out restaurants.
- (2) Financial institutions with drive-through facilities, subject to section [40-852\(d\)](#).
- (3) Funeral homes and mortuaries, subject to section [40-852\(f\)](#).
- (4) Group day care home or childcare center, subject to section [40-852\(g\)](#).
- (5) Indoor recreation facilities and personal fitness centers, subject to section [40-852\(q\)\(2\)](#).
- (6) Laundries and dry cleaning establishments with coin-operated machines or with processing limited to

goods brought to the establishment by the individual retail customer, provided that no goods are processed from any other location.

- (7) Open air businesses, subject to section [40-852\(n\)](#).
- (8) Standard restaurants without drive-through facilities, subject to section [40-852\(o\)](#).
- (9) Veterinary hospitals, subject to section [40-852\(u\)](#).
- (10) Automobile service centers (minor repairs), subject to section [40-852\(b\)\(2\)](#).
- (11) Fast-food restaurants with drive-through facilities, subject to section [40-852\(n\)](#).
- (12) Off-premises (billboard) signs, subject to section [40-950](#)

(Ord. No. 147-43, § 11.202, 12-15-2003; Ord. No. 147-47, 11-7-2005)

40-433. Development standards.

(a) Required conditions. Unless otherwise noted, buildings and uses in the B-2 community business district shall comply with the following requirements:

- (1) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
- (2) All business, services or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
- (3) There shall be no outside storage of any goods, inventory or equipment. Any storage must be clearly accessory to the principal permitted use.
- (4) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
- (5) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.
- (6) All sites shall be maintained in compliance with the open space and landscaping requirements of section [40-815](#)
- (7) Regulated uses stated in section [40-855](#) are strictly prohibited.

(b) Site plan review. Site plan review and approval is required for all uses in the B-2 community business district in accordance with article II, division 2 of this chapter.

(c) Area, height, bulk and placement requirements. Buildings and uses in the B-2 community business district are subject to the area, height, bulk and placement requirements in article III, division 5 of this chapter.

(d) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(e) General development standards. Buildings and uses in the B-2 community business district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses

(Ord. No. 147-43, § 11.203, 12-15-2003)

40-434—40-464. Reserved.

Subdivision V. B-3 General Business District

40-465. District designation.

The B-3 zoning district shall be known as the B-3 general business zoning district.

(Ord. No. 147-43, § 11.300, 12-15-2003)

40-466. Statement of purpose.

(a) The intent of the B-3 general business district is to provide for intensive commercial development. B-3 districts typically exhibit one or more of the following characteristics:

- (1) Permitted businesses offer a broad range of goods and services, including both comparison and convenience goods and services.
- (2) The market for businesses in the B-3 district may include the general township population, residents in surrounding communities or region, and the people in transit.
- (3) Permitted businesses are frequently auto-oriented, rather than pedestrian-oriented.
- (4) Because of the negative impacts commonly generated by B-3 uses, these districts are not generally appropriate adjacent to residential uses unless extensive buffering is provided.

(b) Because of the variety of business types permitted in the B-3 district, special attention must be focused on site layout, building design, vehicular and pedestrian circulation, spacing of uses, and coordination of site features between adjoining sites. Accordingly, general business district developments should be:

- (1) Compatible in design with adjacent commercial development;
- (2) Designed in coordination with development on adjoining nonresidential sites;
- (3) Buffered from or located away from residential areas; and
- (4) Directly served by a major thoroughfare.

(Ord. No. 147-43, § 11.301, 12-15-2003)

40-467. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned B-3 general business district, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- (1) All uses permitted in B-1 local business district as stated in section [40-407](#)(a) and the B-2 community business district in section [40-433](#)(a).
- (2) Service establishments including, but not limited to, a workshop maintained by electricians, plumbers, painters, upholsterers or printers, when in conjunction with retail establishments that offer merchandise of a related nature.
- (3) Hotel or motel, subject to section [40-852](#)(l).
- (4) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations with service yards but without storage yards or water and sewage pumping stations.

(5) Other uses not specifically listed in this chapter, after determination by the zoning administrator that such use is similar to other permitted uses in this district.

(6) Accessory structures and uses customarily incidental to the above permitted use.

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in article II, division 2 of this chapter and section [40-79](#), the following uses may be permitted:

(1) All special land uses permitted in the B-1 business district as stated in section [40-407](#)(b) and all special land uses permitted in the B-2 community business district in section [40-433](#)(b).

(2) Automobile and vehicle sales establishments, subject to section [40-852](#)(a).

(3) Automobile fueling stations, automobile service stations, subject to section [40-852](#)(b)(1).

(4) Automobile repair garage (minor repairs), subject to section [40-852](#)(b)(2).

(5) Automobile washes or car wash establishments, subject to section [40-852](#)(c).

(6) Bus terminals, bus passenger stations, cab stands, and other transit facilities.

(7) Drive-in establishments, subject to section [40-852](#)(d).

(8) Indoor motion picture theaters and rental halls.

(9) Open air businesses, subject to section [40-852](#)(n).

(10) Greenhouses or nurseries.

(11) Recreation facilities, indoor and outdoor, subject to section [40-852](#)(q).

(12) Hospitals, subject to section [40-852](#)(h).

(13) Nursing homes, convalescent homes, rest homes, orphanages and half-way houses, subject to section [40-852](#)(m).

(14) Regulated uses, subject to section [40-855](#), including:

a. Adult book or supply store.

b. Adult model studio.

- c. Adult motion picture arcade.
 - d. Adult motion picture theater or adult live stage performing theater.
 - e. Adult outdoor motion picture theater.
 - f. Adult physical cultural establishment.
 - g. Arcade.
 - h. Bar/lounge/tavern.
 - i. Boardinghouse, roominghouse or fraternity house.
 - j. Cabaret.
 - k. Fortune telling and similar uses.
 - l. Massage parlor or massage establishment.
 - m. Pawnshops and exchange establishments.
 - n. Pool or billiard hall.
 - o. Public lodginghouse.
 - p. Smoke shop.
 - q. Specially designated distributor's establishment.
 - r. Specially designated merchant's establishment.
 - s. Tattoo parlor.
- (15) Outdoor meeting, entertainment and/or athletic venues, subject to section [40-852\(v\)](#).
- (16) Restaurants, subject to section [40-852\(e\)](#) and/or section [40-854\(o\)](#).

(Ord. No. 147-43, § 11.302, 12-15-2003; Ord. No. 147-47, 11-7-2005)

40-468. Development standards.

(a) Required conditions. Unless otherwise noted, buildings and uses in the B-3 general business district shall comply with the following requirements:

- (1) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.
- (2) All business, services or processing, except off-street parking and loading, shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
- (3) Outside storage of goods, inventory or equipment is prohibited except in compliance with an approved site plan. Any storage must be clearly accessory to the principal permitted use.
- (4) Commercially used or commercially licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall apply to operable vehicles that are moved on and off of the site on a regular basis.
- (5) Parking or storage of damaged or disabled vehicles shall be prohibited. Vehicles parked on a site shall not be used principally for storage, sales or advertising.
- (6) All sites shall be maintained in compliance with the open space and landscaping requirements of section [40-815](#)

(b) Site plan review. Site plan review and approval is required for all uses in the B-3 general business district in accordance with article II, division 2 of this chapter.

(c) Area, height, bulk and placement requirements. Buildings and uses in the B-3 general business district are subject to the area, height, bulk and placement requirements in article III, division 5 of this chapter.

(d) Planned development. Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(e) General development standards. Buildings and uses in the B-3 general business district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and

walls

Article VII

Site development standards applicable to specific uses

(Ord. No. 147-43, § 11.303, 12-15-2003)

40-469—40-489. Reserved.

Subdivision VI. I-L Light Industrial District

40-490. District designation.

The I-L zoning district shall be known as the I-L light industrial zoning district.

(Ord. No. 147-43, § 11.400, 12-15-2003)

40-491. Statement of purpose.

(a) The intent of the I-L light industrial district is to provide locations for planned industrial development, including development within planned industrial park subdivisions and on independent parcels. It is intended that permitted activities or operations produce no external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses should be compatible with nearby residential or commercial uses.

(b) Accordingly, permitted manufacturing, distribution, warehousing and light industrial uses permitted in this district should be fully contained within well-designed buildings on amply-landscaped sites, with adequate off-street parking and loading areas.

(Ord. No. 147-43, § 11.401, 12-15-2003)

40-492. Permitted uses and structures.

(a) Principal uses and structures. In all areas zoned I-L light industrial district, no building shall be erected, used or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

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

- (3) Essential services, subject to the provisions in section [40-644\(a\)](#).
- (4) Greenhouses and plant nurseries.
- (5) Laboratories involved in basic research, experiment, design, testing or prototype product development.
- (6) Lumber yards or building material sales establishments that have storage in partially open structures, subject to the following conditions:
 - a. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.
 - b. Open storage structures shall be enclosed on three sides and shall have a roof.
 - c. The entire site, exclusive of access drives, shall be enclosed with a six-foot-high chainlink fence or masonry wall, constructed in accordance with article II, division 2 of this chapter.
 - d. A landscaped greenbelt with a minimum width of 20 feet shall be required adjacent to any street, in conformance with section [40-814\(d\)](#).
- (7) Manufacturing, compounding, bottling, processing, packaging, treatment or fabrication of products that do not involve the creation of odors or have other offensive impacts.
- (8) Manufacturing, compounding, assembling or treatment of articles or goods from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, yarns, sheet metal, wax, wire and wood.
- (9) Manufacturing and/or assembling of electrical appliances, electronic instruments and devices, radios and phonographs.
- (10) Manufacturing of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- (11) Manufacturing and/or assembling of musical instruments, toys, novelties, sporting goods, photographic equipment and metal or rubber stamps, or other small molded rubber products.
- (12) Manufacturing of light sheet metal products, including heating and ventilating equipment, cornices, eaves and similar products.
- (13) Metal polishing and buffing, but not including metal plating.

- (14) Printing, lithography, blueprinting and similar uses.
- (15) Public utility or municipal service buildings, including electric or gas service buildings and yards, telephone exchange buildings, electric transformer stations, gas-regulator stations, water treatment plants and reservoirs, and sewage treatment plants, provided that any open storage shall require special land use approval.
- (16) Tool, die, gauge and machine shops.
- (17) Warehousing and wholesale activities.
- (18) Indoor and outdoor recreation facilities, subject to section [40-852\(q\)](#).
- (19) Other research or light manufacturing uses similar to the above.
- (20) Uses and structures accessory to the above, subject to the provisions in section [40-666](#). Accessory office and sales operations may be permitted where such activities are clearly incidental to the principal industrial use, subject to the provisions in section [40-854](#).
- (21) Off-premises (billboard) signs, subject to section [40-950](#).

(b) Special land uses. Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in article II, division 2 of this chapter and section [40-79](#), the following uses may be permitted:

- (1) Automobile repair garage (minor repair), subject to the provisions in section [40-852\(b\)](#) and provided that all operations are carried on within a completely enclosed building.
- (2) Automobile, truck and heavy equipment repair garage (major repair), subject to the provisions in section [40-852\(b\)](#) and provided that all operations are carried on within a completely enclosed building.
- (3) Contractor's storage yards, provided that such yards are completely enclosed within an eight-foot masonry wall or screening, in accordance with section [40-820\(5\)](#).
- (4) Construction equipment and related equipment sales, leasing and storage, subject to the following conditions:
 - a. Where feasible, equipment shall be stored inside. Open storage structures may be permitted by the planning commission, provided that such structures are enclosed on three sides and have a roof.
 - b. Storage yards shall be screened from any abutting public or private road in accordance with

section [40-820\(5\)](#).

- (5) Manufacturing, wholesale distribution or warehousing of fireworks, explosives, ammunition or other detonable materials, subject to the provisions in section [40-875\(5\)](#).
- (6) Metal plating, buffing and polishing operations.
- (7) Millwork, lumber and planing mills when completely enclosed and located on the exterior of the district so that no property line forms the exterior boundary of the M-1 district.
- (8) Mini-warehouses, subject to the provisions in section [40-852\(k\)](#).
- (9) Bottling and packaging plants.
- (10) Radio, television, cellular telephone, microwave and/or related transmitting and receiving towers, subject to the provisions in section [40-852\(p\)](#) and section [40-739](#)
- (11) Retail or service accessory uses that are clearly intended to serve the occupants and patrons of the principal use, provided that any such use shall be an incidental use occupying no more than five percent of a building that accommodates a principal permitted use. Permitted accessory retail and service uses shall be limited to the following:
 - a. Child care services that are intended to serve families of workers in the district.
 - b. Financial institutions, including banks, credit unions and savings and loan associations.
 - c. Personal service establishments which are intended to serve workers or visitors in the district, such as dry cleaning establishments, travel agencies, tailor shops or similar service establishments.
 - d. Restaurants, cafeterias or other places serving food and beverages for consumption within the building.
 - e. Retail establishments that deal directly with the consumer and generally serve the convenience shopping needs of workers and visitors, such as convenience stores, drugstores, uniform supply stores or similar retail businesses.
 - f. Other accessory uses determined to be incidental to the principle use upon completion of site plan review by the planning commission.
- (12) Junkyards, subject to section [40-852\(i\)](#).
- (13) Commercial kennels, subject to section [40-853\(j\)](#).

(Ord. No. 147-43, § 11.402, 12-15-2003)

40-493. Development standards.

(a) Required conditions. Except as otherwise noted, buildings and uses in the light industrial district shall comply with the following requirements:

- (1) All manufacturing, compounding, assembling, processing, packaging or other industrial or business activity shall comply with the performance standards set forth in article VIII of this chapter.
- (2) All manufacturing, compounding, assembling, processing, packaging or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.
- (3) There shall be no outside storage of any goods, inventory or equipment except in designated areas that shall be enclosed on all sides with a screening fence or wall, subject to the requirements in section [40-814](#). Use of trailers for storage is prohibited, unless licensed and roadworthy according to the motor vehicle code of the state.
- (4) Where applicable, machinery shall comply with the standards in section [40-852\(s\)](#) and all performance standards in section [40-875](#)

(b) *Site plan review.* Site plan review and approval is required for all uses in the light industrial district in accordance with article II, division 2 of this chapter.

(c) *Area, height, bulk and placement requirements.* Buildings and uses in the light industrial district are subject to the area, height, bulk and placement requirements in article III, division 5 of this chapter.

(d) *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article III, division 4 of this chapter.

(e) *General development standards.* Buildings and uses in the light industrial district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements

Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses
Article VIII	Performance standards

(Ord. No. 147-43, § 11.403, 12-15-2003)

40-494—40-524. Reserved.

Subdivision VII. I-H Heavy Industrial District

40-525. District designation.

The I-H zoning district shall be known as the I-H heavy industrial zoning district.

(Ord. No. 147-43, § 11.500, 12-15-2003)

40-526 Statement of purpose.

The heavy industrial district (I-H) 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-H district is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials, as well as from previously prepared materials. All uses permitted to be established in the heavy industrial district shall meet the general goals and intents listed below:

- (1) To promote the most desirable use of land in accordance with a well considered plan, thereby conserving and protecting the township value of land, structures, and uses.
- (2) To establish specific uses, regulated in such a way that they are provided with sufficient space, in appropriate locations, to meet the needs of the township’s expected future economic, industrial, and manufacturing needs, and related uses.
- (3) To protect abutting residential districts and to protect the general safety and welfare of the public from any detrimental impact of industrial uses, by establishing specific controls and separation requirements from the manufacturing activities.
- (4) To protect the industrial districts by prohibiting the use of such industrial areas for new residential development in keeping with the character and established pattern of adjacent development in each area.

(Ord. No. 147-43, § 11.501, 12-15-2003; Zoning Amendment, 8-16-2010)

40-527 Permitted uses and structures.

(a) *Principal uses and structures.* In a heavy industrial district (I-H), no building or land shall be used and no building shall be erected except for one or more of the following specified uses, including any special conditions listed below, unless otherwise provided in this chapter:

- (1) All uses listed as a principal use permitted in the I-L light industrial district.
- (2) Heating and electric power generating plants.
- (3) Accessory uses, buildings and structures customarily incidental to any of the above uses, as defined in section [40-666](#), is permitted with the special land use approval; except use or storage of hazardous materials or above ground fuel storage, or accessory incinerators which require a separate special land use permit.
- (4) Off-premises (billboard) signs, subject to section [40-950](#).

(b) *Special land uses.* The following special land uses may be permitted upon review and approval by the planning commission in accordance with sections [40-79](#) and [40-950](#):

- (1) Special land uses in the light industrial (I-1) zoning districts that are not listed as permitted uses in this section.
- (2) Any of the following processing, production or manufacturing uses (not including storage of finished products); provided, that they are located a minimum of 800 feet from any residential district and a minimum of 300 feet from any other zoning district:
 - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
 - b. Blast furnace, steel furnace, blooming or rolling mill.
 - c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.
 - d. Petroleum or other inflammable liquids, production, refining or storage.
 - e. Manufacturing, assembly, stamping and processing of raw materials into finished products.
 - f. Asphalt or concrete plants.

g. Foundries.

- (3) Recycling collection stations and processing centers that are privately owned and operated, subject to section [40-852\(aa\)](#).
- (4) Quarries, crushing and/or batch plants, subject to section [40-852\(z\)](#).
- (5) Outdoor meeting, entertainment and/or athletic venues, subject to section [40-852\(v\)](#).
- (6) Vehicular race tracks, subject to section [40-852\(w\)](#).
- (7) Horse and dog tracks, casinos and fairs, subject to section [40-852\(x\)](#).
- (8) Cemeteries, subject to section [40-852\(y\)](#).
- (9) Sanitary landfills, transfer facilities and processing plants, subject to section [40-852\(aa\)](#).
- (10) Salvage yards, provided that such are entirely enclosed within a building or within an eight foot obscuring wall and provided further that one property line abuts a railroad right-of-way.
- (11) Smelting of copper, iron or zinc ore.
- (12) Stamping plants, punch presses, press brakes and other machines, subject to section [40-852\(s\)](#).
- (13) Stock yards and slaughterhouses.
- (14) Tire vulcanizing and recapping plants.
- (15) Temporary major events such as circuses, carnivals, fairs or concerts following site plan review and approval as stated in article II, division 2 of this chapter.
- (16) Towers for radio, television and cellular phone transmission, subject to sections [40-852\(p\)](#) and [40-739](#).
- (17) Accessory incinerators.
- (18) Accessory propane sales.
- (19) Uses of the same nature or class as uses listed in this district as either a principal use permitted or a special land use, but not listed elsewhere in this zoning ordinance, as determined by the planning commission based on the standards of section [40-666](#).
- (20) Accessory uses, buildings and structures customarily incidental to any of the above uses, as defined

in section [40-666](#), are permitted with the special land use approval; except use or storage of hazardous materials or above ground fuel storage, which require a separate special land use permit.

(Ord. No. 147-43, § 11.502, 12-15-2003)

40-528 Development standards.

(a) *Required conditions.* Except as otherwise noted, buildings and uses in the heavy industrial district shall comply with the following requirements:

(1) *Impact.* All industrial, manufacturing, or other approved structures or uses on a site shall be provided with remedies for protection of the surrounding properties from the impacts generated by the structure or use on the site as follows:

a. Physical remedies shall be established on the site of the proposed development to minimize any and all negative impacts. This may consist of, but not be limited to, walls, berms, screening, landscaping, or other remedies that are capable of shielding the adjacent properties from the negative impact in order to achieve compliance with the ordinance standards listed.

1. The planning commission may approve alternate standards not listed in this section that can be demonstrated to achieve compliance with the intent of this section, upon demonstration and verification of the required compliance by the applicant or their representative.

b. If there are questions as to the severity of the impact that the activity may produce, now or in the future, the planning commission may require the applicant to provide test results from certified testing agencies, and/or registered engineering firms demonstrating what that impact will be, including the presentation and verification of reports of other similar developments and their existing impacts on the communities in which they are currently located.

(2) *Outdoor activity.* Outside uses and/or storage of any goods, inventory, or equipment shall comply with the minimum requirements listed below:

a. The activity shall be protected from access by the general public with the enclosure of a minimum six- to eight-foot high cyclone or other security fence where required by the planning commission, for the general safe operation of the use.

b. A minimum 20-foot side yard setback may be required to be established for all uses that may pose a health, safety, or fire hazard, when required by the planning commission, upon the review and recommendation of the township engineer, fire, public works, building or legal departments and/or advisors.

c. Use or storage on the site of any type of trailers and/or other vehicles, including recreational vehicles of all types, shall be prohibited unless specifically permitted and approved by the planning commission and directly required for the specific use permitted and approved by the planning commission after site plan review and approval.

(3) Performance. All buildings and uses shall comply with all the requirements listed in the township ordinances at all times. Should complaints be received regarding a violation of the current performance standards listed in article 40-8, and a violation of the ordinance can be verified by the process listed therein, the property, structure, and use shall be brought into compliance with the current requirements of the ordinance by whatever changes are necessary to achieve compliance. These requirements shall not be subject to a variance from the zoning board of appeals.

(b) *Site plan review.* Site plan review and approval is required for all uses in the heavy industrial district in accordance with article 40-2, division 2.

(c) *Area, height, bulk, and placement requirements.* Buildings and uses in the heavy industrial district are subject to the area, height, bulk, and placement requirements in article 40-3, division 5.

(d) *Planned development.* Planned development may be permitted as a means to achieve the basic intent of this district, in accordance with the guidelines in article 40-3, division 4.

(e) *General development standards.* Buildings and all permitted and special land uses in the heavy industrial district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses

Article VIII Performance
standards

(Ord. No. 147-43, § 11.503, 12-15-2003; Zoning Amendment, 8-16-2010)

40-529—40-549. Reserved.

Subdivision VIII. PSP Public/Semipublic Property District

40-550 District designation.

The PSP zoning district shall be known as the PSP public/semipublic zoning district.

(Ord. No. 147-43, § 11.600, 12-15-2003)

40-551 Statement of purpose.

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

(Ord. No. 147-43, § 11.601, 12-15-2003)

40-552 Permitted uses and structures.

(a) *Principal uses and structures.* In all areas zoned PSP public/semipublic, the land or premises shall be used only for the following:

- (1) Open space, wetlands, woodlands and greenbelt areas dedicated to the public.
- (2) Off-street parking facilities serving office, commercial or industrial uses developed and maintained in accordance with the regulations set forth herein.
- (3) Pedestrian malls, parks, trails, playgrounds and playfields owned by governmental bodies.

(b) *Special land uses.* Subject to the conditions specified for each use; review and approval of the site plan; any special conditions imposed during the course of review; and the provisions set forth in article II, division 2 of this chapter and section [40-666](#), the following uses may be permitted:

- (1) Hospitals, subject to section [40-852](#)(h).
- (2) Buildings and/or uses of the township or other governmental body.
- (3) Religious institutions, subject to section [40-852](#)(r).

- (4) Golf courses owned by governmental bodies.
- (5) Airports, both public and private.
- (6) Indoor and outdoor recreation facilities operated by governmental entities or nonprofit organizations, subject to section [40-852\(q\)](#).
- (7) Cemeteries, subject to section [40-852\(y\)](#).
- (8) Cellular towers, subject to section [40-739](#).

(Ord. No. 147-43, § 11.602, 12-15-2003)

40-553 Development standards.

(a) *Required conditions.* Except as otherwise noted, buildings and uses in the public property district shall comply with the following requirements:

- (1) Permitted off-street parking shall be constructed and maintained in accordance with the provisions in article V of this chapter.
- (2) Off-street parking in the PSP district shall be accessory to, and for use in connection with, one or more business, office or industrial uses, located in an adjoining commercial, office or industrial district.
- (3) Permitted off-street parking shall abut a nonresidential zoning district. There may be a private driveway or public alley between the off-street parking and the abutting nonresidential district.
- (4) Permitted off-street parking shall be used solely for parking of passenger vehicles for periods of less than 24 consecutive hours.
- (5) Permitted off-street parking areas shall not be used for off-street loading, outside storage or display, or vehicular repair. Parking or storage of damaged or disabled vehicles shall be prohibited. No vehicle parked on a site shall be used principally for storage, sales or advertising.
- (6) No signs shall be permitted except for signs designating entrances, exits, other traffic directions signs and signs related to restrictions or conditions of use of the off-street parking area.
- (7) Nongovernmental buildings are generally prohibited within the PSP district. Following site plan review, the planning commission may allow the construction of a building consistent with the intent of this section.
- (8) Any site developed within the PSP district that abuts a residentially zoned district shall comply with section [40-815\(c\)](#). In addition, a ten-foot setback shall be provided between the side or rear property line

and the edge of the parking lot. Notwithstanding the landscaping requirements in article VII of this chapter, off-street parking in the PSP district need not be screened from any business it is intended to serve.

(9) Where a PSP district is contiguous to a residentially zoned district that has common frontage on the same road, the minimum front yard setback shall be equal to the required front yard setback for the residential district. A landscaped berm shall be required to screen the parking from view of the road, in accordance with section [40-814\(c\)](#).

(b) *Site plan review.* Site plan review and approval is required for all uses in the public/semipublic property district in accordance with article II, division 2 of this chapter.

(c) *General development standards.* Buildings and uses in the PSP district shall be subject to all applicable standards and requirements set forth in this chapter, including the following:

Article	Topic
Article III, Division 5	Schedule of regulations
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements
Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses

(Ord. No. 147-43, § 11.603, 12-15-2003)

40-554—40-584. Reserved.

40-585. Intent and scope of requirements.

(a) It is the intent of these regulations to permit planned development for the purposes of:

- (1) Encouraging innovation in land use planning and development.
- (2) Achieving a higher quality of development than would otherwise be achieved.
- (3) Encouraging assembly of lots and redevelopment of outdated commercial corridors.

- (4) Encouraging in-fill development on sites that would be difficult to develop according to conventional standards because of the shape, size, abutting development, accessibility or other features of the site.
- (5) Providing enhanced housing, employment and shopping opportunities.
- (6) Providing a development framework that promotes appropriate business activity that significantly improves the economic viability of the township.
- (7) Ensuring compatibility of design and function between neighboring properties.
- (8) Encouraging development that is consistent with the township's comprehensive development plan.

(b) These planned development regulations are not intended as a device for ignoring the more specific standards in this chapter, or the planning upon which the standards are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning standards generally applied to the proposed uses, but allowing for modifications to the general standards to ensure a superior quality of development.

(Ord. No. 147-43, § 12.001, 12-15-2003)

40-586. Eligibility criteria.

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

- (1) Recognizable and substantial benefit. The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
- (2) Minimum frontage and size. The planned development shall have minimum frontage of 200 feet along a public street or road. The minimum size of a parcel that is developed as a planned development shall be 30,000 square feet.
- (3) Availability and capacity of public services. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities.
- (4) Compatibility with the master plan. The proposed development shall not have an adverse impact on the comprehensive development plan of the township.
- (5) Compatibility with the planned development intent. The proposed development shall be consistent with the intent and spirit of these regulations, as stated in section [40-585](#)
- (6) Economic impact. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this chapter.

(7) Unified control of property. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the planned development regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given immediately to the township clerk.

(Ord. No. 147-43, § 12.002, 12-15-2003)

40-587. Project design standards.

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

- (1) Location. A planned development may be approved in any location in the township, subject to review and approval as provided herein.
- (2) Permitted uses. Any land use authorized in this chapter may be included in a planned development as a principal or accessory use, provided that public health, safety and welfare are not impaired. Any application reviewed for a planned development district shall be limited to uses consistent with the underlying zoning classification, unless the planning commission and township board permit a mix of uses according to subsection (6) of this section.
- (3) Applicable base regulations. Unless waived or modified in accordance with subsection (4) of this section, the yard and bulk, parking, loading, landscaping, lighting and other standards for the districts listed below shall be applicable for uses proposed as a part of a planned development:
 - a. Single-family residential uses shall comply with the regulations applicable in the underlying residential district as stated in article III, division 2 of this chapter.
 - b. Multiple-family residential uses shall comply with the regulations applicable in the RM-2 multiple-family residential district, article III, division 2 of this chapter.
 - c. Retail commercial uses shall comply with the regulations applicable in the B-2 community business district, article III, division 3 of this chapter.
 - d. Office uses shall comply with the regulations applicable in the O-1 office district, article III, division 3 of this chapter.
 - e. Industrial uses shall comply with the regulations in the I-L light industrial district, article III, division 3 of this chapter.
 - f. Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.

(4) Regulatory flexibility. To encourage flexibility and creativity consistent with the planned development concept, departures from the regulations in subsection (3) of this section may be permitted, subject to review and approval by the planning commission and township board of trustees. For example, such departures may include modifications to lot dimensional standards, floor area standards, setback requirements, density standards, parking, loading and landscaping requirements, and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development than would be possible without the modifications.

(5) Residential density. In no case shall the density of dwelling units within an approved planned development exceed the density that would be allowable for the residential zoning district for which the zoning amendment is requested (underlying district). The number of residential dwelling units allowable within a planned development project shall be determined in the following manner:

a. The applicant shall prepare, and present to the planning commission for review, a parallel design plan for the proposed project that complies with state, county and township requirements and design criteria for a tentative preliminary subdivision plat, fully consistent with Public Act No. 288 of 1967 (MCL 560.101 et seq.), land division act, the township subdivision control regulations and/or township condominium regulations (article IX of this chapter). This design shall include all information as required by the procedures stated in article II, division 2 of this chapter.

b. The planning commission shall review the design and determine the number of dwelling units that could be feasibly constructed if the parallel design for the underlying district were constructed. This number, as determined by the planning commission, shall become the maximum number of dwelling units allowable within the planned development project.

(6) Permitted mix of uses. Where the existing underlying zoning district is residential, nonresidential uses may be permitted as part of a planned development that also contains a residential component at the sole discretion of the planning commission and township board, provided that the applicant demonstrates that the residential uses will be predominant. The planning commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: amount of traffic generated; hours of operation or use; noise, odors and overall impact on adjoining uses; land area allocated to each use; and building area allocated to each use.

(7) Open space requirements. Planned developments containing a residential component shall provide and maintain usable open space at the ratio of 350 square feet of open space per dwelling unit, provided that each development shall contain a minimum of 10,000 square feet of open space. Any pervious land area within the boundaries of the site may be included as required open space, except for land contained in public or private street rights-of-way. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, ensuring that the

open space will be developed according to the site plan and never changed to another use. Such conveyance shall provide:

- a. For the privately owned open space to be maintained by private property owners with an interest in the open space.
- b. Maintenance standards and a maintenance schedule.
- c. For assessment of the private property owners by the township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

(8) Frontage and access. Planned developments shall front onto a primary major thoroughfare, secondary major thoroughfare, or collector street as specified in the adopted comprehensive development plan of the township, except where the planned development involves reuse or redevelopment of an existing structure which fronts onto a local street. The nearest edge of any entrance or exit drive shall be located no closer than 100 feet from any street or road intersection (measured from the nearest intersection right-of-way line).

(9) Utilities. All utilities serving a planned development, including electric, telephone and cable television lines, shall be placed underground, wherever feasible.

(10) Privacy for dwelling units. The design of a planned development shall provide visual and sound privacy for all dwelling units within and surrounding the development. Fences, walks and landscaping shall be used in the site design to protect the privacy of dwelling units.

(11) Emergency access. The configuration of buildings, driveways and other improvements shall permit convenient and direct emergency vehicle access.

(12) Pedestrian and vehicular circulation. A pedestrian circulation system shall be provided that is insulated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks and bicycle pathways in the vicinity of the site.

(Ord. No. 147-43, § 12.003, 12-15-2003)

40-588. Procedures and requirements.

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

(b) Application procedure. Planned development applications shall be submitted in accordance with the following procedures:

(1) The applicant shall first submit a planned development plan. The plan shall be reviewed in accordance with zoning amendment procedures. The planning commission shall review the planned development plan, hold a public hearing, and make a recommendation to the township board. The township board shall have the final authority to act on a planned development plan and grant the requested planned development zoning.

(2) Following approval of the planned development plan and rezoning to planned development (PD), the applicant shall submit a final site plan for review by the planning commission in accordance with normal site plan review procedures.

(Ord. No. 147-43, § 12.004, 12-15-2003)

40-589. Standards and requirements with respect to review and approval.

In considering any application for approval of a planned development proposal, the planning commission and township board shall make their determinations on the basis of standards set forth for site plan review in article II, division 2 of this chapter, as well as the following standards and requirements:

(1) Conformance with the planned development concept. The overall design and all uses proposed in connection with a planned development shall be consistent with and promote the intent of the planned development concept as described in section [40-585](#), as well as with the specific project design standards set forth herein.

(2) Compatibility with adjacent uses. The proposed planned development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to the following:

- a. The bulk, placement and materials of construction of proposed structures.
- b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- d. The hours of operation of the proposed uses.

e. The provision of landscaping and other site amenities.

(3) Public services. The proposed planned development shall not exceed the capacity of existing and available public services, including, but not necessarily limited to, utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.

(4) Impact of traffic. The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to the issues by requesting that the applicant provide traffic impact analysis at the direction of the planning commission.

(5) Accommodations for pedestrian traffic. The planned development shall be designed with a sidewalk network to accommodate safe pedestrian circulation throughout and along the perimeter of the site, without interference from vehicular traffic.

(6) Compatibility with the master plan. The proposed planned development shall be consistent with the general principles and objectives of the adopted township comprehensive development plan.

(7) Compliance with applicable regulations. The proposed planned development shall be in compliance with all applicable federal, state and local laws and ordinances.

(Ord. No. 147-43, § 12.005, 12-15-2003)

40-590. Phasing and commencement of construction.

(a) Integrity of each phase. Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the planned development and residents of the community.

(b) Rate of completion of residential and nonresidential components.

(1) Purpose. The purpose of the following provisions is to ensure that planned developments are constructed in an orderly manner and, further, to ensure that the planned development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use.

(2) General standards. In developments which include residential and nonresidential components, the phasing plan shall provide for completion of at least 35 percent of all proposed residential units concurrent with the first phase of any nonresidential construction, completion of at least 75 percent of all proposed

residential construction concurrent with the second phase of nonresidential construction, and completion of 100 percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined by the planning commission and chief building inspector, based on the floor and land area allocated to each use.

(3) Modifications to general standards. Such percentages may be modified should the planning commission and building official determine that the applicant has presented adequate assurance that the residential component of the project will be completed within the specified time period.

(4) Completion of each phase. Construction of any facility may commence at any time following site plan approval per article II, division 2 of this chapter, provided that construction shall be commenced for each phase of the project within 24 months of the schedule set forth on the approved plan for the planned development. However, the applicant may submit a revised phasing plan for review and approval by the planning commission. The applicant shall also submit a statement indicating the conditions that made the previous phasing plan unachievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or delayed, provided that the revised phasing does not materially change the integrity of the approved planned development proposal. In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.

(Ord. No. 147-43, § 12.006, 12-15-2003)

40-591. Development standards.

(a) Area, height, bulk, and placement requirements. Buildings and uses in the planned development district are subject to the area, bulk and placement requirements specified in section [40-587](#)

(b) General development standards. Buildings and uses in the planned development district are subject all applicable requirements set forth in this chapter, as specified below:

Article	Topic
Article II, Division 2	Site plan review procedures and standards
Article III, Division 6	Supplemental regulations
Article V	Off-street parking and loading requirements

Article VI	Landscaping and walls
Article VII	Site development standards applicable to specific uses
Article VIII	Performance standards

(Ord. No. 147-43, § 12.007, 12-15-2003)

40-592. Planned development procedure.

(a) Intent. The procedure in this section is intended to provide a consistent and uniform method for review of planned development proposals. The review procedure is set forth to ensure full compliance with the standards contained in this chapter and other applicable local ordinances, and state and federal laws.

(b) Procedural requirements.

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

(2) Review procedures. Planned development applications shall be submitted in accordance with the following procedures and requirements, which provide for detailed review of planned development proposals by the planning commission, followed by review and approval by the township board:

a. Applicant eligibility. The application shall be submitted by the owner of an interest in land for which planned development approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled.

b. Application forms and documentation. The application for planned development shall be made on the forms and according to the guidelines specified by the building department.

c. Site plan preparation. The site plan shall be prepared in the manner specified in this section and on the planned development application form. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to formal review.

d. Submission of a completed plan. The planned development application materials, required fees

and sufficient copies of the completed site plan shall be submitted to the building department for review.

e. Review by township officials. The zoning administrator and other appropriate township officials shall review the site plan and application materials and prepare a written review which shall specify any deficiencies in the site plan and make recommendations as appropriate.

f. Submission of a revised plan and planned development application. The applicant shall revise the site plan and application materials, based on the recommendations set forth in the zoning administrator's review. The applicant shall then submit sufficient copies of the revised plan for further review by staff and the planning commission at the same time.

g. Planning commission consideration. After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:

1. Acceptance for processing. The application shall be placed on the agenda of the next available scheduled planning commission meeting and a public hearing shall be scheduled.

2. Public hearing. The public hearing shall be scheduled in the same manner as required for special uses in section 40-79(b)(8)b and section 503 of Public Act No. 110 of 2006 (MCL 125.3503). As stated in Act 110, the public hearing and notice required by this subsection shall be regarded as fulfilling the public hearing and notice requirements for amendment of this chapter. The planning commission and township board may hold a joint public hearing on a planned development application if they so desire.

3. Planning commission review. Following the public hearing, the planned development proposal and plan shall be reviewed by the planning commission in relation to applicable standards and regulations and consistency with the intent and spirit of the planned development concept.

4. Plan revision. If the planning commission determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next available scheduled meeting of the planning commission for further review and possible action.

h. Planning commission determination. The planning commission shall review the application for planned development, together with the public hearing findings and reports and recommendations from the building official, zoning administrator, township planner, township engineer, public safety officials and other reviewing agencies. The planning commission shall then make a recommendation to the township board based on the requirements and standards of this chapter. The planning commission

may recommend approval, approval with conditions or denial as follows:

1. Approval. Upon determination by the planning commission that the final plan for planned development is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, the planning commission shall recommend approval.
2. Approval with conditions. The planning commission may recommend that the township board impose reasonable conditions with the approval of a planned development proposal, to the extent authorized by law, for the following purposes:
 - (i) To ensure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.
 - (ii) To protect the natural environment and conserve natural resources and energy.
 - (iii) To ensure compatibility with adjacent uses of land.
 - (iv) To promote the use of land in a socially and economically desirable manner.
 - (v) To protect the public health, safety and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
 - (vi) To achieve the intent and purpose of this chapter.

In the event that the planned development is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided herein.

3. Denial. Upon determination by the planning commission that a planned development proposal does not comply with the standards and regulations set forth in this chapter, or otherwise would be injurious to the public health, safety, welfare and orderly development of the township, the planning commission shall recommend denial.

The planning commission shall prepare and transmit a report to the township board stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.

- i. Submission of plans for township board review. After the planning commission makes its recommendation, the applicant shall make any required revisions and submit sufficient copies of the revised site plan and supporting materials for township board review.
- j. Public hearing. Upon receipt of a planned development plan and application, the township board

may schedule a public hearing, unless a joint public hearing has already occurred, in accordance with subsection (b)(2)g of this section.

k. Township board determination. The township board shall make a determination based on review of the final plan together with the findings of the planning commission, and the reports and recommendation from the building official, zoning administrator, township planner, township engineer, public safety officials and other reviewing agencies. Following completion of its review, the township board shall approve, approve with conditions or deny a planned development proposal in accordance with the guidelines described previously in subsection (b)(2)h of this section.

l. Recording of planning commission and township board action. Each action taken with respect to a planned development shall be duly recorded in the minutes of the planning commission or township board, as appropriate. The grounds for the action taken shall also be recorded in the minutes.

(3) Effect of approval. Approval of a planned development proposal shall constitute an amendment to this chapter. All improvements and use of the site shall be in conformity with the planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in section [40-113](#). The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval and declaring that all future improvements will be carried out in accordance with the approved planned development unless an amendment is adopted by the township board upon request by the applicant or his successors.

(4) Zoning board of appeals authority. The zoning board of appeals shall not have the authority to consider an appeal of a decision by the township board or planning commission concerning a planned development proposal.

(5) Application for a building permit. Prior to issuance of a building permit, the applicant shall submit proof of the following to the building official:

- a. Final approval of the site plan and planned development application.
- b. Final approval of the engineering plans.
- c. Acquisition of all other applicable township, county or state permits.

(6) Expiration of planned development approval. If construction has not commenced within 24 months of final approval, the approval becomes null and void and a new application for planned development shall be required. The township board may grant a 12-month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date. In the event that an

approved planned development plan becomes null and void, the township shall initiate proceedings to amend the zoning classification of the site.

(7) Performance guarantee. The planning commission or township board may require that a performance guarantee be deposited with the township to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to, landscaping, open space improvements, streets, lighting and sidewalks. The performance guarantee shall comply with the requirements in section [40-82](#)

(8) Revision to approved plans.

a. General revisions. An approved planned development proposal and plan may be revised in accordance with the procedures set forth for approval of a new proposal.

b. Minor changes.

1. Notwithstanding subsection (b)(8)a of this section, minor changes may be permitted by the planning commission following normal site plan review procedures outlined in article II, division 2 of this chapter, subject to the planning commission finding that:

(i) The proposed changes will not affect the initial basis on which initial approval was granted.

(ii) The proposed minor changes will not adversely affect the overall planned development in light of the intent and purposes of such development as stated in section [40-585](#)

(iii) The proposed changes will not affect the character or intensity of use, the general configuration of a buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns or the demand for public services.

2. Examples of minor changes include, but are not limited to:

(i) Additions or alterations to the landscape plan or landscape materials.

(ii) Alterations to the internal parking layout of an off-street lot, provided that the total number of spaces does not change.

(iii) Relocation of a trash receptacle.

(iv) An increase in floor area of less than 20 percent of the initial total floor area up to 5,000 square feet.

- c. Application data requirements. Applications for planned development approval shall include all applicable data required for site plan review as specified in article II, division 2 of this chapter and any other township requirements. In addition, the application shall include the following:
1. An overall plan for the planned development. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other nonresidential use; each type of open space; community facilities and public areas; and other types of land use.
 2. A map and written explanation of the relationship of the proposed planned development to the township's master plan.
 3. Information concerning traffic generated by the proposed planned development. Sufficient information shall be provided to allow the township to evaluate the impact of the proposed development on adjoining roads. The following traffic-related information shall be provided: estimates of the volume of traffic generated by each use, the peak-hour volume of traffic expected to be generated by the proposed development, a schematic drawing indicating vehicular movement through the site including anticipated turning movements, and measures being proposed to alleviate the impact of the development on the circulation system.
 4. Analysis of the fiscal impact of the proposed planned development on the township and the school district.
 5. Evidence of market need for the proposed use and the feasibility of completing the project in its entirety. This requirement may be waived by the planning commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed uses.
 6. The documentation shall be in the form of agreements, contracts, covenants and deed restrictions which indicate that the development can be completed as shown on the plans, and further that all portions of the development that are not to be maintained at public expense will continue to be operated and maintained by the developers or their successors.
 7. A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.
 8. A draft of ownership and governance documents. These documents shall include the following:

- (i) Deeds.
- (ii) Warranties guaranteeing ownership conveyed and described in the deeds.
- (iii) A list of covenants, conditions and restrictions that are conditions of ownership upon the purchasers and owners in the planned development.
- (iv) Association bylaws (for example, condominium association bylaws) that describe how the association is organized; the duties of the association to operate, manage and maintain common elements of the planned development; and the duties of individual shareholders to manage and maintain their own units.

(Ord. No. 147-43, § 12.008, 12-15-2003)

40-593—40-617. Reserved.

40-618. Intent and scope of requirements.

The purpose of this division is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which the building or use is located. A portion of a lot used to comply with the regulations in this division with respect to one building or use shall not be simultaneously used to comply with the regulations with respect to another building or use.

(Ord. No. 147-43, § 13.001, 12-15-2003)

40-619 Schedule of regulations.

All buildings, uses and parcels of land shall comply with the regulations set forth in the following schedule of regulations and footnotes thereto:

Schedule of regulations											
District	Lot minimum		Maximum height of structures (c)			Minimum setback requirements				Minimum floor area	Maximum lot coverage (t)
	Area (sq. ft.) (a)	Width (feet) (b)	In stories	In feet	Front elevation	Minimum front yard	Side yards		Rear yard		
							Min. one	Total both			

R-1	20,000	100	2	30	30	60	15 (e)	30 (e)	50	(f)	30% (r)
(With public sewer and water)	12,000	80	2	25	25	40	8 (e)	20 (e)	35	(f)	25% (r)
R-2	20,000	100	2	30	30	60	15 (e)	30 (e)	50	(f)	30% (r)
(With public sewer and water)	9,000	70	2	25	25	25	8 (e)	20 (e)	35	(f)	25% (r)
R-3	20,000	100	2	30	30	60	15 (e)	30 (e)	50	(f)	30% (r)
(With public sewer and water)	8,000	60	2	30	30	25	8 (e)	20 (e)	35	(f)	35% (r)
RM-1	(g)	100	2	25	25	30 (h)	30 (e), (h)	55 (e), (h)	35	(f), (j)	30% (r)
RM-2	(g)	100	2	25	20	30 (h)	30 (e), (h)	55 (e), (h)	35	(f), (j)	30% (r)
RMH	(s)	(s)	2	35	30	(s)	(s)	(s)	(s)	(s)	(s)
O-1	(k)	(k)	2½	35	–	25 (o)	(l), (m), (p)	(l), (m), (p)	(l), (n), (p)	–	–
B-1	(k)	(k)	2½	35	–	50	(l), (m), (p)	(l), (m), (p)	(l), (n), (p)	–	–
B-2	(k)	(k)	2½	35	–	25	(l),	(l),	(l),	–	–

							(m), (p)	(m), (p)	(n), (p)		
B-3	(k)	(k)	5 (u)	65	–	25	(l), (m), (p)	(l), (m), (p)	(l), (n), (p)	–	–
I-L	–	100	5	65	–	30	5 (p)	10 (p)	30 (p)	–	–
I-H	–	100	5	65	–	30	5 (p)	10 (p)	30 (p)	–	–
PSP	–	100	5	65	–	(p)	(p)	(p)	(p)		
PD	–	100	5	65	–	(p)	(p)	(p)	(p)		

Footnotes:

(a) Lot area. Net lot area, as defined in article 40-3, shall be used to determine compliance with lot area requirements.

(b) Lot proportions. Lot depths of newly created lots in any district shall be no greater than four times the lot width.

(c) Exceptions to height standards. The height standards shall not apply to certain structures listed in section [40-644\(b\)](#).

(d) Minimum setbacks for nonresidential uses. Permitted nonresidential uses shall comply with setback requirements set forth in section [40-852](#) for specific uses. Where setback requirements are not specified in this chapter, permitted nonresidential uses shall comply with the minimum setback requirements set forth in the schedule of regulations.

(e) Setback on side yards facing a street. On corner lots there shall be maintained a front yard along each street frontage, except that the minimum setback on side yards facing a street where no other housing units in the block face the side street shall be nine feet.

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

Dwellings without basement	1,100 sq. ft.
Dwellings with basement	1,000 sq. ft.
First floor of 2-story or tri-level	900 sq. ft.

(g) Lot requirements. Single-family dwellings shall comply with the lot standards for the R-1 district. Two-family dwellings shall comply with the lot standards for the R-2 district. Multiple-family dwellings shall comply with the following minimum lot area standards:

Minimum lot area per unit

First dwelling unit	5,400 sq. ft.
Each additional unit	5,000 sq. ft.

(h) Setbacks in RM-1 and RM-2 districts. Single-family dwellings shall comply with the setback standards for the R-1 district. Two-family dwellings shall comply with the setbacks for the R-2 district. The minimum distance between any multiple-family structures erected on the same parcel shall be as follows:

Orientation of buildings	1 story buildings	1½ or 2 story (feet)
	(feet)	
Front to front	30	60
Front to rear	30	60
Rear to rear	30	60
End to end	20	20
End to front	30	30
End to rear	30	30

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

(j) Minimum floor area in the RM-1 and RM-2 districts.

Number of bedrooms	Required floor area (square feet)
0	500
1	500
2	700
3	900
4	1,000
Each additional	100

(k) Lot area and lot width. Lot area and width requirements in the commercial and office districts shall be based on compliance with the setback and lot coverage standards.

(l) Side or rear yard setback along interior lot lines in all commercial and office districts.

Building height	Minimum side or rear yard setback (feet)
Single story	12
More than 1 story	25

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

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

(o) Front yard setback in the office district. Where the O-1 district is contiguous to a residentially zoned district which has common frontage on the same block, the minimum front yard setback shall be equal to the adjacent residential district.

(p) Minimum setback adjacent to a residential use. Buildings in nonresidential districts shall be set back a minimum of 30 feet from any residential district boundary.

(q) Planned development regulations. See article III, division 4 of this chapter for development standards in the PD planned development district.

(r) Front yard parking in residential districts. No more than 35 percent of the lot area located between the front of the principal building and front lot line shall be improved (i.e., paved, gravel, dirt, mulch, etc.) for parking subject to the following conditions:

1. Parking shall be permitted on improved surfaces in the front yard area between the garage portion of the principal structure, the closest side lot line and the front lot line. Parking shall not be permitted in front of any other portion of the principal structure, except in those instances where a circular drive is approved.
2. Parking shall be permitted on improved surfaces in the front yard except for the area between the principal structure and the front lot line. Parking shall not be permitted in front of any portion of the principal structure, except in those instances where a circular drive is approved.
3. Circular driveways shall be permitted on improved surfaces in the front yard. A minimum of 200 square feet of green space shall be required within the area between the circular driveway and the sidewalk or, if a sidewalk is not present, the road right-of-way.

(s) Residential manufactured housing district. See design requirements of section [40-330\(b\)](#) and adopted rules and regulations of the state mobile home commission.

(t) Lot coverage. The maximum percentage coverage of a lot shall include the area of all buildings and structures, plus the land area dedicated for use as a pond (the area for a pond becomes limited by other site improvements). In nonresidential districts, ponds are subject to site plan review requirements.

(u) Height limitations. One- and two-family residential dwellings in the B-3 general business district may not be constructed above two and one-half stories without receiving a variance from the ZBA.

(Ord. No. 147-43, § 13.002, 12-15-2003; Ord. No. 147-47, 11-7-2005; Ord. No. 239, 6-19-2017)

40-620—40-641. Reserved.

40-642 Administrative regulations.

The administrative section of the general provisions pertain to regulations generally applicable throughout the township.

(Ord. No. 147-43, § 2.000, 12-15-2003)

40-643. Structures to be in conformity with chapter provisions.

(a) Scope of regulations. No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered or moved, except in conformity with the provisions of this chapter. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance from which this chapter is derived, and construction is begun within six months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a certificate of occupancy for the use for which the building was originally designated, subject thereafter to the provisions of article IV of this chapter concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

(b) Minimum requirements. The provisions of this chapter shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity and general welfare.

(c) Relationship to other ordinances or agreements. This chapter is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant or other private agreement previously adopted, issued or entered into, and not in conflict with, the provisions of this chapter. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants or other private agreements, the requirements of this chapter shall govern.

(d) Vested right. Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or permissible activities therein. Furthermore, such rights as may exist through enforcement of this chapter are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

(e) Continued conformity with yard and bulk regulations. The owner of a building or the property on which it is located shall maintain all required setbacks, open space and other minimum yard and bulk requirements for as long as the building is in existence. No lot or portion of a lot used in complying with this chapter shall be used to meet the requirements for more than one building or structure.

(f) Division and consolidation of land. No building lot shall hereafter be divided except in compliance with the land division regulations of the township.

(g) Unlawful buildings, structures, site designs and uses. A building, structure or use that was not lawfully existing at the time of adoption of this chapter shall not be made lawful solely by adoption of this chapter. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this chapter, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this chapter. Public expenditures toward abating any such nuisance shall become a lien upon the real property involved.

(h) Voting place. The provisions of this chapter shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

(i) Construction in easements. The erection of a building or other permanent structure is prohibited within a public easement or right-of-way. Fences, walls, sidewalk, paving or similar improvements may be allowed with written permission of the entity that has jurisdiction over the easement or right-of-way.

(Ord. No. 147-43, § 2.001, 12-15-2003)

40-644. Exemptions.

(a) Essential services. Essential services, as defined in section [40-3](#), shall be permitted as authorized and regulated by state, federal and local ordinances and laws, it being the intention hereof to exempt such essential services from those regulations governing area, height, placement and use of land in the township that would not be practical or feasible to comply with.

(b) Exemptions to height standards. The height limitations of this chapter shall not apply to chimneys, church spires, public monuments, wireless transmission towers, water towers and flagpoles, provided that the following

requirements are met:

(1) Wind driven energy devices. The maximum height of wind-driven energy devices shall be 35 feet, provided that the device is set back from all property lines a distance equal to the height of the device. Such devices shall be located in the rear yard of a residential district, and shall be subject to the adopted building codes and other regulations of the township.

(2) Antennas in residential districts. Private television antennas, pole antennas and other private communication antennas or towers shall be permitted in residential districts as follows:

a. Antennas with a wind resistance surface of seven square feet or less shall be located in the rear yard or on a rooftop, provided that freestanding antenna towers shall be set back from all property lines a distance equal to the height of the tower. Such antennas shall comply with the height standards for the district in which they are located, except as hereinafter provided.

b. Antennas with a wind resistance surface of over seven square feet shall be located in the rear yard only, and shall be subject to the setback and height standards for the district in which they are located. Any such antenna shall be located to obscure its view from adjacent properties and roads, to the maximum extent possible.

c. Notwithstanding the above requirements, open element and monopole antennas shall be permitted in residential districts, provided they do not exceed 45 feet in height.

d. Satellite dish antennas shall be subject to the regulations in section [40-738](#)

(3) Antennas in nonresidential districts. Antennas with a wind resistance surface of seven square feet or less shall be permitted on the rooftop of any building or in the rear of a nonresidential district provided that the antenna complies with the height standard for the district in which it is located, and is obscured from view from adjacent properties and roads, to the maximum extent possible. A freestanding antenna may be located in the side yard if its visibility from adjacent properties is obscured.

(4) Variances. Variances from height standards may be sought from the zoning board of appeals. In considering such a request, the zoning board of appeals shall consider, at minimum, the character of the surrounding uses, the height of surrounding structures, the potential to obscure light or view to or from existing buildings or surrounding properties, and potential detriment to the use or value of surrounding properties.

(c) Exemption for oil and gas wells. As provided in section 205 of Public Act No. 110 of 2006 (MCL 125.3205), the application of this chapter does not apply to the drilling, completion or operation of oil wells, gas wells, or both, or other wells drilled for oil exploration, gas exploration purposes, or both, and the provisions of this chapter shall not apply to the issuance or permits for the location, drilling, completion, operation or abandonment

of such wells. Full authority over these wells is exclusively vested in the state supervisor of wells.

(Ord. No. 147-43, § 2.002, 12-15-2003)

40-645. Floodplain regulations.

(a) Purpose. It is the purpose of the floodplain controls to apply special regulations to the use of land in those areas of the township which are subject to predictable flooding at frequent intervals and to protect the storage capacity of floodplains and to ensure retention of sufficient floodway area to convey flood flows which can reasonably be expected to occur and to better maintain environmental factors and the proper ecological balance through prohibiting unnecessary encroachments. Such regulations, while permitting reasonable economic use of such properties, will help protect the public health and reduce financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and the overflow of lands, reserve such areas for the impoundment of water to better stabilize stream flow and to better maintain the proper ecological balance. All lands included in such floodplain control district shall be subject to the restrictions imposed herein in addition to the restrictions imposed by any other zoning district in which said lands should be located.

(b) Floodplain boundaries. Those areas designed and defined as floodplains are deemed to mean that area of land adjoining the Black River, its tributaries and other natural watercourses within the township that are subject to seasonal or periodic flooding as established by the profiles in the most recent official Flood Insurance Rate Map (FIRM) for the township. Copies of said map may be reviewed in the township clerk's office. When there is a question as to the exact boundaries and limits of a floodplain boundary, the township board shall determine the limits. Such determination may include assistance rendered by the appropriate governmental jurisdiction. The township board may, upon petition, permit minor modifications to the delineation of the floodplain boundary. Such modifications may be approved upon the findings that:

- (1) The flow, impoundment and discharge capacity of the floodplain will be maintained or improved.
- (2) The floodplains are not intended for human habitation and are kept free and clear of interference or obstruction that will cause any undue restriction of the original capacity of the floodplain.
- (3) The stream flow is not revised so as to affect the riparian rights of other owners.
- (4) The modification is necessary for the preservation and enjoyment of a substantial property right.
- (5) The modification will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

(c) Uses permitted. When the use proposed herein is allowable in a zoning district, the following uses and types of activities are permitted in the designated floodplain:

- (1) Gardening and horticulture, not including related buildings; open recreational uses as parks, playgrounds, athletic fields, golf courses, nature and bicycle paths; bridal trails; crop farming; and wildlife sanctuaries, provided same does not require or cause a change in the natural drainage grade.
- (2) Open space portions of any use district.
- (3) Public rights-of-way, private drives and parking areas herein provided in subsection (c)(4) of this section.
- (4) For all zoning districts, the area of the floodplain which may be used for computing density and for providing parking thereon shall not exceed 25 percent of the floodplain area of the property involved, but in no instance shall the density credit and parking area exceed 25 percent of the area outside of the floodplain.
- (5) In the area above the floodplain boundary, uses permitted by the zoning district otherwise established for the parcel subject to the regulations of such district provided:
 - a. That the elevation of the lowest floor designed or intended for human habitation and/or employment shall be at least three feet above the elevation of the floodplain boundary.
 - b. In the area below the upper limit of the floodplain boundary, dumping or backfilling with any material in any manner is prohibited, unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved as determined by the township board.
 - c. Any filling or modification on banks adjacent to floodplain boundaries shall have erosion control to prevent soil from being washed into the floodplain.
- (6) The erection of roads, bridges and causeways may be permitted within the floodplain boundary by the township board provided that they will not be detrimental to the natural flow of water or disrupt the floodplain holding capacity and provided further that the requirements of subsection (c)(5) of this section, have been met. Exhibits submitted for review will provide sufficient information as required by the township board with respect to support, spacing, height and anchorage.
- (7) Where topographic data, engineering studies or other studies are needed as required by the township board or planning commission to determine the effects of flooding on a proposed site, the effects of a structure on the flow of water or both, the applicant, at his expense, shall submit such data or studies. A registered professional civil engineer shall prepare all such required data.

(Ord. No. 147-43, § 2.003, 12-15-2003)

State law reference— Soil conservation districts law, MCL 324.9301 et seq.; building and construction in floodplain, MCL 324.3108; subdivision within or abutting floodplain, MCL 560.138; subdivision within floodplain, conditions for approval, MCL 560.194.

40-646—40-663. Reserved.

Subdivision II. Building and Structure Regulations

40-664. Applicability of subdivision provisions.

This subdivision pertains to the regulation of building and structures as generally applicable throughout the township.

(Ord. No. 147-43, § 2.100, 12-15-2003)

40-665 Yard and bulk regulations.

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

- (1) Minimum lot size. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of the ordinance from which this chapter is derived shall comply with the lot size, lot coverage and setback requirements for the district in which it is located. No yards in existence on the effective date of the ordinance from which this chapter is derived shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this chapter.
- (2) Number of principal uses per lot. Only one principal building shall be placed on a lot of record, zoning lot, parcel or site in a single-family residential district.
- (3) Projections into required yards. Fire escapes, fire towers, chimneys, platforms, balconies, boiler flues and other projections shall be considered part of the building and are subject to the setback requirements for the district in which the building is located. Certain items may extend beyond a building or structure into a required yard, as identified in the following schedule:

Schedule of permitted projections into required yards

Projection	All yards	Rear yard	Interior side yard	Corner side yard	Court yard
Air conditioning equipment shelters		•	•	•	•
Access drives	•				

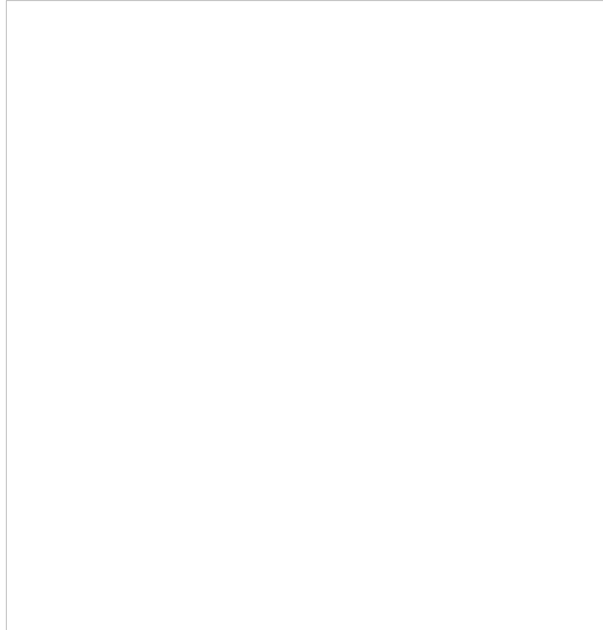
Arbors and trellises	•				
Awnings and canopies	•				
Bay windows	•				
Decks, if not enclosed		•			
Eaves, overhanging	•				
Fences*	•				
Flagpoles	•				
Gardens	•				
Gutters	•				
Hedges	•				
Laundry drying equipment		•	•		
Light standards, ornamental	•				
Parking, off-street*	•				
Paved terraces and open porches*		•			
Porches, unenclosed with or without roof*	•				
Approved signs*	•				
Stairways, open unroofed	•				
Steps	•				
Television or radio towers or antennas*		•	•	•	
Trees, shrubs, and flowers	•				
Walls (see fences)*	•				
Window air conditioning units	•				

* See additional regulations in this chapter.
• = Permitted

Notes related to table:

- a. Architectural features. Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves and other architectural features may project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend into any front or rear yard not more than 24 inches.
 - b. Terraces and porches. Open paved terraces and open porches may project into a required rear yard up to ten feet, provided that the unoccupied portion of the rear yard has a depth of at least 25 feet.
 - c. Access drives and walkways. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than six inches above grade.
 - d. Unenclosed porches, with or without roof. Unenclosed porches may project into required front yard up to six feet, and shall maintain a minimum side yard setback of three feet.
- (4) Unobstructed sight distance.
- a. Fences, walls, etc., in sight triangle. No fence, wall, structure or planting shall be erected, established or maintained on any lot that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway (see diagram). Fences, walls, structures or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and six feet above the lowest point of the intersecting roads.
 - b. Trees; landscaping. Trees shall be permitted in the triangular area provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three feet from the edge of any driveway or road pavement within the triangular area.
 - c. *Unobstructed sight area.* The unobstructed triangular area is described as follows (see diagram):
 - 1. The area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being 25 feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides; or

2. The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being ten feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.



UNOBSTRUCTED SIGHT DISTANCE

(5) *Lots adjoining alleys.* In calculating the area of a lot that adjoins an alley for the purposes of applying lot area and setback requirements, one-half of the width of said alley shall be considered a part of the lot whether or not the alley is currently in use.

(6) *Double frontage lots.* In any zoning district, a double frontage lot shall maintain a front yard on each road frontage or the road and river frontage. The measurement for the setback from a river shall be the edge of the natural water at its closest point to the building or structure at the time of proposed construction.

(Ord. No. 147-43, § 2.101, 12-15-2003)

40-666 Accessory buildings and structures.

(a) *General requirements.*

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

- (2) *Site plan approval.* If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures or uses.
- (3) *Nuisances.* Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps and other mechanical equipment that could produce noise, odors or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.
- (4) *Conformance with lot coverage standards.* Accessory buildings and permanent structures that actually cover a portion of the lot shall be included in computations to determine compliance with maximum lot coverage standards, where applicable.
- (5) *Location in proximity to easements or rights-of-way.* Accessory buildings, structures or uses shall not be located within a dedicated easement or right-of-way, except as permitted in the regulations for essential services.
- (6) *Use of accessory structures.* Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units nor for any business, profession, trade or occupation that is inconsistent with home occupations allowed by this chapter (see section [40-698](#)). Only the vehicles of the residents of the principle structure may be stored in a garage used as an accessory to that structure.
- (7) *Appearance.* Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site.
- (8) *Applicability of other codes and ordinances.* Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation and operation.

(b) *Attached accessory buildings.* Unless otherwise specified in this section, accessory buildings or structures that are attached to the principal building (such as an attached garage, breezeway or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height and bulk requirements in conformance with the following:

- (1) *Size and lot coverage.* The first floor area of a garage or garages attached to a principal structure shall comply with the following:
- a. *Residential.*
1. On parcels of less than one acre or less than 70 feet wide, the total square footage of all attached accessory structures shall not exceed 1,000 square feet, or the size of the existing principal residence, whichever is less.

2. On lots of one acre or more that are 70 feet or wider, the total square footage of all attached accessory structures constructed on the property shall not exceed the following: more than one acre = 1,600 sf, more than two acres = 1,700 sf, more than three acres = 1,800 sf, more than four acres = 1,900 sf, more than five acres = 2,000 sf, more than six acres = 2,100 sf, more than seven acres = 2,200 sf, more than eight acres = 2,300 sf, more than nine acres = 2,400 sf, more than 10 acres = 2,500 sf.

3. The total square footage of the combined principal structure shall not exceed the maximum lot coverage percentage found in the Schedule of Regulations, section [40-619](#), for the district they are located in.

b. *Other districts.* Accessory structures attached to a principal structure must comply with all requirements found in the ordinance for those districts including site plan approval by the planning commission where required elsewhere in this chapter.

(2) *Location, setbacks, and height.* Attached accessory buildings shall comply with all requirements listed for the main structure in the Schedule of Regulations, section [40-619](#), for the district in which they are located.

(3) *Uses.* All uses of attached accessory structures must comply with the requirements listed for the district in which they are located, including all approvals required as set forth elsewhere in this chapter.

(c) *Detached accessory buildings.* All detached accessory structures (DAS) shall comply with the requirements of the Schedule of Detached Accessory Structures Regulations (SDASR) Chart, and with the following:

(1) *Sizes and lot coverage.* Detached accessory buildings shall comply with the maximum allowable floor area (MAFA), height, width, length and story restrictions listed in the SDASR Chart.

(2) *Location/setbacks.* Detached accessory buildings shall comply with the SDASR Chart and the Schedule of Regulations found in section [40-619](#) as follows:

a. In residential districts, detached accessory buildings are allowed as follows:

1. *Front yard setback.* In no case shall an accessory building be located closer to the front lot line than the minimum front yard setback for the district in which it is located but may be allowed to be located in front of the residence when the front yard setbacks of both of the adjacent principal structures are located to the front of the residence.

2. *Side yard setback.* A DAS may be located in a non-required side yard setback. The minimum side yard setback requirements for the main structure apply to the DAS in the case of double

frontage lots or when it is allowed to be located in front of the primary residence up to the front yard setback of the adjacent residential structure when both structures are located to the front of the existing primary residence.

3. *Setback on corner lots.* Accessory buildings in a residential district on a corner lot shall comply with the front setback requirements on any side that faces the street where there is a residence on the adjacent lot in the same block that fronts on said street.

4. *Rear yard setback.* Detached accessory buildings shall be located in compliance with the SDASR Chart in residential districts. Where a rear lot line is coterminous with a minimum 10-foot alley right-of-way line, the building may be located adjacent to the right-of-way line, provided there are no projections into the right-of-way.

5. In the case of double frontage lots, or lots with both river and road frontage, they may be located in the rear, side or front yards, provided they can meet all other minimum setback requirements listed in this chapter.

b. In nonresidential districts, detached accessory buildings shall not be located in a front or required side yard except in compliance with the setback requirements for the district in which they are located and subject to site plan review and approval of the planning commission as follows:

1. Buildings for parking attendants, guard shelters, gate houses and transformer pads.
2. Other uses determined by the planning commission, during site plan review, to be similar to the above uses and necessary to the project for development.

(3) *Distance from other buildings.*

- a. Detached residential accessory buildings and other structures shall be located at least five feet from any residential exterior wall on the site and at least five feet from any lot line.
- b. Accessory buildings and structures for all other zoning districts shall comply with the minimum required setbacks listed in the zoning ordinance, or receive planning commission approval as required by ordinance.

(4) *Height regulations.*

- a. Detached accessory buildings in residential districts shall not exceed a total height of 21 feet from the lowest floor surface to the peak;
- b. Detached accessory buildings in nonresidential districts shall comply with the maximum height

standards for the district in which they are located, subject to the planning commission, where otherwise required in this chapter.

(5) *Use regulations.* Detached accessory buildings are prohibited from the use of such a structure for living facilities whether temporary or permanent. The buildings are also prohibited from the installation of kitchen or laundry facilities. While heat and electricity are allowed, this restriction prohibits the installation of any additional facilities other than a washing sink and toilet, unless otherwise permitted in this chapter through site plan approval by the planning commission.

(6) *Additional accessory structure regulations/exemptions.*

a. *General requirements.* Accessory structures such as swimming pools, tennis courts, exercise equipment/playgrounds, freestanding solar panels or antennas, windmills, and other uses determined to be similar by the zoning administrator or planning commission shall be located in the side or rear yards and shall comply with the Schedule of Detached Accessory Structures setback regulations. These structures may cover up to an additional five percent of the lot in excess of the maximum percent of lot coverage found in the Schedule of District Regulations.

b. *Swimming pools.* All swimming pools 24 inches deep at any point shall be considered an accessory structure for purposes of this chapter. Swimming pools shall also comply with all other applicable township codes and ordinances including any referenced appendices and/or codes of the current State Construction Code regulating swimming pools, spas and hot tubs.

c. *Porches.* For lots under one acre, up to eight feet wide unenclosed roofed or unroofed porches may be erected on existing or newly approved detached accessory structures, without adding to the total square footage of regulated sizes, provided they do not extend into a required setback allowed for such structures.

d. A total of no more than four detached accessory structures may be erected on any one property with the exception of structures approved by the planning commission upon submittal of a sketch plan review application and fees.

(d) *Additional accessory structures.*

(1) *General requirements.* Accessory structures (for example, swimming pools, tennis courts, antennas) shall be located in the rear yard and shall comply with the Schedule of Detached Accessory Structures Regulations.

(2) *Solar panels.* Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard, subject to the Schedule of Detached Accessory Structures Regulations.

(3) *Swimming pools.* All swimming pools 24 inches deep at any point shall be considered an accessory structure for purposes of this chapter.

Swimming pools shall also comply with all other applicable township codes and ordinances including the referenced appendix(ces) of the current State Construction Code regulating swimming pools, spas and hot tubs.

(4) *Added lot coverage for swimming pools and decks.* Swimming pools and decks may cover the lot an added amount of up to 40 percent of the lot.

Schedule of Detached Accessory Structures Regulations

Cross reference the items below with the parcel sizes and districts to the right		R-1, R-2, R-3 one-family residential districts RM-1, RM-2 one- and two-family units calculated by individual area available per lot size; all other units require <i>PCSP</i> approval			All other districts listed in Article 5 to comply with the requirements for the zoning district they are located in	
1. Utility status		For both sewer and septic serviced parcels				
2. Based on the parcel size and frontage	Area	≤ 1 acre or	1 to 10 acres	≥ 10 acres and	Detached Accessory Structures ≤ 1,200 SF	Detached Accessory Structures > 1,200 SF
	Width	< 70 LF	≥ 70 LF	≥ 165 LF		
A. The <i>MAFA</i> of all <i>DAS</i> on the parcel combined may not exceed the following totals: Note A.		1,000 SF with an extra 8-foot unenclosed porch allowed on 1 side	2,200 SF for ≥ 1 acre plus 200 SF per acre to 4,000 maximum for 10 acres	As per < 10 acres up to 5,000 SF maximum for agricultural structures.	A zoning permit and/or building permit is required in compliance with the setbacks required for the district in which they are located	Site plan review by the planning commission is required in compliance with the setbacks required for the district in which they are located
B. Front yard setback required Notes B, C.		A <i>DAS</i> must meet the minimum front, side and rear yard setbacks and be located behind the front of the main residential structure or be able to meet the exception* listed				
C. Side yard setback required Note C.		Minimum 5 feet	Minimum 5 feet plus 1 foot per 100 SF over 1,200 SF to 20 feet	Minimum 20 feet		

D. Rear yard setback required	Minimum 5 feet	Minimum 5 feet plus 1 foot per 100 SF over 1,200 SF to 20 feet	Minimum 20 feet		
E. Maximum building height	Not to exceed 21 feet from the lowest floor surface to the peak				Per PC review
F. Maximum building width not to exceed the following:	35% of the parcel width to the <i>MAFA</i>	30% of the parcel width to the <i>MAFA</i>	25% of the parcel width to the <i>MAFA</i>	Requires review by the zoning administrator in compliance with setbacks required	Requires review by the planning commission in compliance with setbacks required
G. Maximum building length not to exceed the following:	20% of the parcel length to the <i>MAFA</i>	25% of the parcel length to the <i>MAFA</i>	20% of the parcel length to the <i>MAFA</i>		
H. Maximum percentage of lot coverage	Not to exceed the percentage of lot coverage listed in the schedule of district regulations for each zoning district				
I. Agricultural buildings	Not permitted	Not to exceed the height, width, length or percentage of lot coverage listed above		When listed as an allowed use after <i>PCSP</i> review and approval	

- A. An additional "basement" as defined in this chapter for a "story" is not allowed in a detached accessory structure.
- B. In the case of lots with more than one right-of-way frontage, detached accessory buildings shall observe the front yard setback requirements on the additional frontage where residences front a river or the adjacent right-of-way as found elsewhere in this chapter.
- C. A *DAS* may be located in a nonrequired side yard setback. The minimum side yard setback requirements for the main structure apply to the *DAS* in the case of double frontage lots or when *it is allowed to be located in front of the primary residence up to the front yard setback of the adjacent residential structure when both structures are located to the front of the existing primary residence.

The addition of italicized text is for clarity purposes for the following items as listed above: *PCSP* = planning commission site plan, *MAFA* = maximum allowable floor area, and *DAS* = detached accessory structures. The *MAFA* are calculated as listed above and here: <70 LF and <1 acre = 1,000 SF with an additional eight feet of unenclosed porch allowed on one side of the *DAS*. *DAS* on the following must calculate any roofed area as part of the total square footage. *DAS* on lots of ≥1 acre = 2,200 SF, ≥2 acres = 2,400 SF, ≥3 acres = 2,600 SF, ≥4 acres = 2,800 SF, ≥5 acres = 3,000 SF, ≥6 acres = 3,200 SF, ≥7 acres = 3,400 SF, ≥8 acres = 3,600 SF, ≥9

acres = 3,800 SF, ≥10 acres = 4,000.

(Ord. No. 147-43, § 2.102, 12-15-2003; Ord. No. 227, 8-1-2011; Ord. No. 242, 6-19-2017)

40-667 Residential design standards.

Any residential structure, including manufactured dwellings and mobile homes not located in mobile home parks, shall be erected or constructed only if in compliance with residential design standards. The building official shall have the authority to determine if the following requirements are met:

- (1) *Area and bulk regulations.* Any residential structure, including any mobile home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Mobile homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located, unless specifically indicated otherwise herein.
- (2) *Foundation.* Any residential structure, including a mobile home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted state construction code of the township. A mobile home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation.
- (3) *Other regulations.* Residential structures shall be constructed in compliance with applicable state, federal or local laws or ordinances. Mobile homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended.
- (4) *Use.* Mobile homes and other structures shall be used only for the purposes permitted in the zoning district in which they are located.
- (5) *Attachments.* Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted state construction code of the township.
- (6) *Utility connections.* All residential structures shall be connected to the public sewer and water systems.
- (7) *Compatibility with other residences.* New residential structures, including mobile homes and manufactured dwellings, shall be aesthetically compatible with other residences in the vicinity. To assess compatibility, the zoning official shall evaluate the design and position of windows, exterior wall colors and color combinations, and other features of the new structure in relation to existing structures within 300 feet.
- (8) *Roof pitch.* The pitch of the main roof shall have a minimum vertical rise of one foot for each four feet

of horizontal run, and the minimum distance from the eaves to the ridge shall be ten feet, except where the specific housing design dictates otherwise (i.e., French provincial, Italianate, etc.). The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction.

(9) *Exterior materials.* The exterior siding shall consist of materials that are generally acceptable for site-built housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(10) *Dimensions.* The dimensions and placement of mobile homes or manufactured dwellings located outside of a mobile home park shall be comparable to typical dimensions and placement of site-built housing in the vicinity. Therefore, a mobile home or manufactured dwelling shall be located on the lot so that the minimum width of the front elevation is no less than 34 feet and the minimum dimension along any side or rear elevation is no less than 16 feet. If there are any extensions or additions off of the front of the mobile home or manufactured dwelling, the minimum width of any such secondary front elevation shall be 16 feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the mobile home or manufactured dwelling, such as living or recreation rooms, garages, carports, utility rooms and the like, the front portions of which are within ten feet of the front of the main body of the mobile home or manufactured dwelling.

(11) *Roof overhang.* Residential structures shall be designed with either a roof overhang of not less than six inches on all sides or with windowsills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.

(12) *Exterior doors.* Residential structures shall have not less than two exterior doors and they shall not be located on the same side of the building.

(Ord. No. 147-43, § 2.103, 12-15-2003)

40-668 Temporary structures and uses.

Temporary buildings and structures shall comply with the following requirements:

(1) *Temporary structures used for residential purposes.* A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind or other disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the public safety and building official, and subject to the following conditions:

- a. Temporary structures shall comply with the setback standards for the district in which they are

located.

- b. The building official shall approve electrical and utility connections to any temporary structure.
- c. An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.
- d. The applicant shall furnish the township with a performance guarantee consistent with section [40-82](#) to ensure removal of the temporary structure.

(2) *Temporary structures used for nonresidential purposes.* Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the building official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.

(3) *Permits.* The building official may issue a permit for a temporary structure; provided, that work is consistent with township adopted building codes. Any such permit shall specify a date for removal of the temporary structure. Such permits may be issued by the building official for up to six months in duration and may be renewed for periods of up to six months, but the total duration of a temporary permit shall not exceed one year.

(4) *Uses as an accessory structure.* A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

(5) *Temporary accessory uses, special events and other temporary uses for nonresidential purposes.* The building/zoning official may grant temporary use of land, structures or a combination of land and structures for temporary uses, as defined in section [40-3](#), subject to specific conditions as stated elsewhere in the ordinance and in compliance with the following general conditions:

- a. Adequate off-street parking shall be provided.
- b. The applicant shall specify the exact duration of the temporary use.
- c. Electrical and utility connections shall be approved by the building official.
- d. Any proposed event lasting more than 30 days or annually reoccurring event must receive "sketch plan" approval at a regular meeting of the planning commission. Said approval will cease upon the lapse or variance of any of the approved conditions and/or times specified by the planning commission and will require resubmittal and approval.

e. The township may require a performance bond to ensure proper cleanup.

(6) *Conditions that apply to specific temporary uses.* The following conditions apply to specific temporary uses:

a. *Carnival or circus.*

1. Maximum duration: 14 days.

2. Location: shall not be located in or adjacent to any developed residential area except on church, school or park property.

b. *Sidewalk display and sale of bedding plants.*

1. Maximum duration: 30 days.

2. Location: in nonresidential zoning districts only.

3. Sidewalk coverage: shall not cover more than 50 percent of the width of any sidewalk.

c. *Christmas tree sales.*

1. Maximum duration: 45 days.

2. Cleanup: stumps, branches and other debris shall be completely removed from site.

3. Leftover trees shall be removed within one week after Christmas.

d. *Outdoor smoking facilities.*

1. All such facilities must comply with federal, state and local codes, ordinances and other applicable regulations.

2. All proposed facilities must receive planning commission "sketch plan" approval and be consistent and compatible with the existing design and construction of the principal building.

(Ord. No. 147-43, § 2.104, 12-15-2003; Ord. No. 227, 8-1-2011)

40-669 Solar energy systems.

(a) *Purpose.* The purpose of this section is to provide a regulatory framework for the construction of solar energy systems subject to reasonable restrictions which will preserve the public health, safety and welfare, while also maintaining the character of the community.

- (b) *Definition.* Refer to the list of enclosed definitions found in section [40-3](#), Definitions, in the zoning ordinance.
- (c) *General requirements.*
- (1) *Chart requirements.* The construction of all SESs must comply with the requirements listed for each specific use as noted in the enclosed charts and additional zoning ordinance requirements listed here and elsewhere in the ordinance.
 - (2) *Plan approval.* The applicant must provide the required site plan information listed for each specific type of use, including all required standard engineering information that may or may not be specifically mentioned, but that is based on standard engineering practices and code requirements. As well, the applicant must provide the following information on the plan, including, but not limited to: yard and roof setbacks, grading and drainage, screening, glare and heat reflection, noise, lighting, landscaping and maintenance, as well as those items listed below, to determine code compliance.
 - (3) *Signage.* All sites shall be limited to the maximum sizes and requirements for signs listed in the ordinance, or may be approved as permitted elsewhere in the ordinance through site plan review and approval or zoning board of appeals approval.
 - (4) *Equipment height.* Limitations regarding the height of equipment above roof and ground surfaces shall comply with the minimum and maximum requirements, unless specific approval to exceed those heights is granted by the planning commission as listed. Height allowances may be granted upon review and approval of the proposed elevations in consideration of and in comparison to the surroundings, based on scaled elevation drawings of the site and the surrounding terrain, including a list of the exact differences permitted and requested for the heights of the system.
 - (5) *Utility connections.* All utility connections for an SES shall be placed underground, unless otherwise approved based on site conditions and requirements of the utility provider. All SESs shall provide written proof of approval of the proposed site plan by the utility provider in authority. Off-grid systems do not require a utility provider approval.
 - (6) *Ancillary solar equipment (ASE) screening.* Where feasible, ancillary solar equipment shall be located inside of a building or be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the state building code and when no longer in use shall be disposed of in compliance with all applicable laws and regulations and ordinances.

(7) *Code requirements.* The applicant must comply with all federal, state and local codes including review and approval by the Port Huron Township fire department for the location and procedure for emergency shut-off of any utility connection to provide for the safety of all first responders.

(8) *Clearance requirements.* All SESs shall provide a minimum clear accessible area of three feet for first responders from the edge of all roofs and a minimum of five feet from all property lines for all units. Additional requirements may be established for safety reasons for first responders, as may be adopted by ordinance or as adopted by resolution of the township board from time to time.

(d) *Specific system requirements.*

(1) *Residential scale solar energy systems.*

RESIDENTIAL SCALE SOLAR ENERGY SYSTEMS	
Allowed districts	One- and two-family residential districts and uses
Required approvals	Building/planning/zoning department
Max % of lot coverage	Per the schedule of district regulations not to exceed the maximum lot coverage of 35% for all structures, excluding rooftop units
Setbacks for SES units	<ul style="list-style-type: none"> • Minimum 5-foot side and rear yard setbacks required • No front yard location without PC sketch plan review and approval
ASE screening Panel screening	As much as possible based on fencing and/or landscaping permitted Required as noted above

Outside shut-off	Emergency outside quick disconnect shut-off required
Wall units and waterfront lots	Allowed only with PC sketch plan review and approval
Maximum height of ground and roof units	To exceed the maximum height of all units whether located on the ground or on a building, they must receive sketch plan approval by the planning commission, which may include requiring additional screening or compensation for visual impact on adjacent properties.
Rooftop units - Allowed to a maximum as listed below without PC approval	
Ground units - Allowed to a maximum of six feet high without PC approval	

a. *Intent.* A residential scale SES is an on-site solar energy system intended to serve the needs of the owner or occupant of the property for allowed residential uses only. Systems may be rooftop mounted or ground mounted. These systems may be approved through the issuance of a building permit; provided, that the application meets all requirements and standards of the zoning ordinances and building codes in effect at the time of the issuance of the permits.

1. *Site or sketch plan review.* If the zoning administrator has a good faith belief that the solar energy systems may have an adverse impact upon the health, safety or general welfare of the public, or if the proposed SES is located on a waterfront lot, the administrator shall require the applicant to apply for sketch plan approval to the planning commission.

b. *Specific requirements.*

1. *Applicability.* Only one interconnected solar energy system is permitted per lot or premises along with the primary principal permitted use no matter the lot size.
 2. *Location.* Ground-mounted systems shall not be permitted in the front yard without sketch plan review by the planning commission.
 3. *Setbacks.* All systems shall be set back at least five feet from all side and rear property lines to provide for emergency access.
 4. *Glare.* The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacturer's specifications of the panels, proficient angling, adequate screening, or other means, so as not to adversely affect neighboring properties.
 5. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the zoning administrator or planning commission that is necessary to determine compliance with this section.
- c. *Roof-mounted solar panels.*
1. Panels may extend up to five feet above a flat roof surface, and two feet for all other roof types.
 2. A report of the structural stability of the roof's supporting framework and overlaying sheathing and covering shall be provided by a structural engineer, licensed in the state of Michigan, prior to the issuance of a permit, demonstrating that it can safely support the proposed loads.
- d. *Ground-mounted solar panels.*
1. Shall only be located in the rear or side yard.
 2. The maximum ground area occupied by solar panels shall not be in excess of the total maximum percentage of lot coverage allowed in each district.
 3. The maximum ground-mounted panel height is six feet, measured from the grade to the top of the panel.
 4. Panels shall be screened from residential districts and/or uses and public rights-of-way by a greenbelt and/or six-foot-high privacy fence, as allowed per the fence ordinance.
 5. Notwithstanding the restrictions listed herein, combined systems, demonstrating dual purposes such as solar systems that provide protection for cars as a carport, or other similar

uses, may be permitted upon review and approval by the planning commission.

(2) *Business scale solar energy systems.*

BUSINESS SCALE SOLAR ENERGY SYSTEMS	
Allowed districts	All business, industrial, PSP, PUD and multifamily zoning districts
Required approvals	<ul style="list-style-type: none"> • Site plan approval by the planning commission for projects not in excess of the maximum lot coverage allowed per lot per district • Special use approval by the planning commission for projects in excess of the maximum lot coverage allowed per district
Setbacks for SES units	<ul style="list-style-type: none"> • Minimum front, side and rear yard setbacks required per current regulations per district
ASE screening Panel screening	Required as noted below Required as noted below
Outside shut-off	Emergency outside

	quick disconnect shut-off required
Wall units	Subject to site plan review and approval
Maximum height of ground and roof units	To exceed the maximum height listed for units whether located on the ground or on a building, they must receive special use approval by the planning commission, which may include requiring additional screening or compensation for visual impact on adjacent properties.
Rooftop units - Allowed as noted below without PC special use approval	
Ground units - Allowed to a maximum of eight feet high without PC special use approval	

a. *Intent.* An on-site use solar energy system is intended to serve the needs of the on-site owner and additional occupants and/or facilities on site only.

1. Systems must be approved by the planning commission subject to site plan review and approval or special use approval as noted above.

b. *Specific requirements.*

1. *Setbacks.* All systems shall be set back at least 20 feet from all property lines.

2. *Glare.* The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacturer’s specifications of the panels, proficient angling,

adequate screening, or other means, as to not adversely affect neighboring properties.

3. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping as approved by the planning commission.

4. A site plan, drawn to scale and conforming to the site plan procedures and standards listed elsewhere in the ordinance, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the planning commission that is necessary to determine compliance with this ordinance.

c. *Roof-mounted solar panels.*

1. Panels may extend up to five feet above a flat roof surface and two feet for all other roof types.

2. A report of the structural stability of the roof's supporting framework and overlaying sheathing and covering shall be provided by a structural engineer licensed in the state of Michigan prior to the issuance of a permit, demonstrating that it can safely support the proposed loads.

d. *Ground-mounted solar panels.*

1. The maximum ground area occupied by solar panels and associated paved surfaces shall not exceed the maximum allowable percentage of lot coverage listed for each specific district without special use approval by the PC.

2. The maximum ground-mounted panel height is eight feet, measured from the grade to the top of the panel.

3. SES panels shall be screened from abutting residential districts, uses and public rights-of-way by a greenbelt and/or up to eight-foot-high privacy fence. Screening requirements may be waived or reduced by the planning commission when existing natural vegetation accomplishes the same.

4. Notwithstanding the restrictions listed herein, combined systems, demonstrating dual purposes such as solar systems that provide protection for cars as a carport, or other similar uses, may be permitted upon review and approval by the planning commission.

(3) *Utility scale solar energy systems.*

<p>UTILITY SCALE SOLAR ENERGY SYSTEMS</p>
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Allowed districts	All I-L and I-H industrial, B-3 general business, PSP and PUD zoned properties
Required approvals based on district	<ul style="list-style-type: none"> • Site plan review required for all I-L and I-H industrial, PSP and PUDs • Special use approval for B-3 general business zoning districts
Max % of lot coverage	Based on the zoning ordinance requirements for each district and planning commission review and approval under sketch plan or site plan approval
Outside shut-off	Emergency outside shut-off required
Setbacks for SES units	<ul style="list-style-type: none"> • Minimum 30-foot side and rear yard setbacks required in general • Minimum 50-foot setbacks from residential districts • No location in a front yard setback without special use approval
ASE screening may be required	Panel, rooftop, wall and ground units

for:	based on planning commission review and approval as listed below, including minimum eight-foot-high screening requirements on property located next to residential districts
Maximum height of ground and roof units	The height of all units whether located on the ground or on a building must receive specific site plan or special use approval by the planning commission as noted above, including additional screening or compensation for visual impact on adjacent properties.

a. *Intent.* A utility scale solar energy system is a system that is designed and built to provide electricity to the electric utility grid. These systems are intended to be so constructed and located to be compatible with other land uses such as farms and heavy industrial uses, while being distanced enough from residential uses to avoid becoming a nuisance. These systems shall be permitted in the I-L light and I-H heavy industrial, and PSP public/semi-public districts under site plan review and approval by the planning commission. They are also permitted in the B-3 general business and PUD districts subject to special use review and approval by the planning commission. All large solar energy systems shall be subject to the following:

b. *Specific requirements.*

1. No utility-scale solar system that is proposed to be connected to a public utility grid shall be installed until evidence has been given to the planning commission that the owner/developer/applicant has been approved by the authorized utility company to install an interconnected customer-owned system. Off-grid systems are exempt from this requirement.
2. *Setbacks.* All systems shall be set back at least 30 feet from all property lines; additionally, all systems shall be set back at least 50 feet from all residential uses or districts.
3. *Glare.* The applicant shall provide documentation that glare will be eliminated, insofar as possible. This may include manufacturer's specifications of the panels, proficient angling, adequate screening, or other means, as to not adversely affect neighboring properties.
4. A site plan, drawn to scale and conforming to the site plan procedures and standards listed elsewhere in the ordinance, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the planning commission that is necessary to determine compliance with this section.
5. The maximum ground area occupied by solar panels and associated paved surfaces shall be determined by the planning commission based on the circumstances of each particular large solar system application.
6. If more than 2,000 square feet of impervious surface is proposed, a drainage plan prepared by a registered civil engineer is required.
7. The maximum ground-mounted panel height will be based on review and approval of the planning commission in consideration of proposed screening and the surrounding districts.
8. SES panels and mechanical equipment shall be enclosed with security fencing and spaced to ensure adequate emergency access. It shall also be screened from residential districts and public rights-of-way by a greenbelt and/or up to eight-foot-high privacy fence, and/or by a landscaped greenbelt and berm, as determined by the planning commission. Screening requirements may be waived or reduced by the planning commission when existing natural vegetation accomplishes the same. Any berm required shall be a minimum of three feet high, with a three-foot-wide crown and one-on-three side slopes. The minimum landscaping requirement shall be two staggered rows of evergreen trees, chosen from other vegetation approved by the planning commission, not less than five feet tall at time of planting, placed on each of the side slopes of the berm, with a 10-foot spacing between trees in each row. The planning commission may require supplemental planting of small evergreen and/or deciduous shrubs along the crown of the berm. Planting requirements may be reduced up to 50 percent by the planning commission, but not eliminated, only when existing natural vegetation accomplishes a substantial portion of the screening requirement.

(e) *Responsibilities.* The approval of an SES, if approved by the municipality, will in no manner be the responsibility of the municipality or alleviate the owner of the property or the system, to oversee or provide protection from any form of legal action that results due to the lack of due diligence on the part of the applicant to address the following issues:

(1) *Solar access.* The township makes no assurance of solar access on the property, other than the provisions of this section. The applicant may provide evidence of covenants, easements or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy system.

(2) *Visual impact.* The solar energy system shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area and shall be located to minimize glare and heat on adjacent properties and roadways. Solar energy systems that are visible from the street must be either composed of building-integrated components (such as solar shingles) that are not readily evident, or be designed and mounted to match the aesthetics, shape, proportions, and slope of the roof, or be screened from view.

(3) *Decommissioning and/or removal.* If the solar energy system ceases to operate or is abandoned for a period of 12 months or is deemed by the zoning administrator or building official to be unsafe or inconsistent with current building code requirements, the current land owner shall repair and restore the system to good working order within a reasonable time set by the zoning administrator or building official or, if no longer operating or no longer in compliance with federal, state or local codes, the current landowner shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for redevelopment.

(4) *Bonds.* A minimum 10-year irrevocable surety bond shall be required to be posted based on an engineered review of the cost associated to the restoration of the property to a natural state. The cost estimate and bond shall be reviewed and renewed every 10 years for compatibility with current restoration costs.

(Ord. No. 245, 6-17-2019)

40-670—40-694 Reserved.

Subdivision III. Regulation of Uses

40-695. Uses.

This subdivision pertains to the regulation of uses as generally applicable throughout the township.

(Ord. No. 147-43, § 2.200, 12-15-2003)

40-696. Allowable uses.

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

- (1) Uses lawfully established on the effective date of the ordinance from which this section is derived.
- (2) Uses for which a building permit had been issued in accordance with section [40-668\(5\)](#).
- (3) Permitted uses in the applicable zoning districts, subject to the requirements specified.
- (4) Conditional and special uses in the applicable zoning districts, subject to conditions and requirements specified.
- (5) Temporary uses subject to the requirements specified in section [40-668\(5\)](#).

(Ord. No. 147-43, § 2.201, 12-15-2003)

40-697. Lawful use of a structure as a dwelling unit.

(a) *Incompletely constructed structures.* Any incompletely constructed structure that does not meet the requirements of the state construction code or this chapter shall not be issued a certificate of occupancy and shall not be used as a dwelling. For the purposes of this section, a basement that does not have a residential structure constructed above it shall be considered an incompletely constructed structure.

(b) *Caretaker residence.* No dwelling shall be erected in a nonresidential district, except for the living quarters of a watchman or caretaker and his immediate family. Any such living quarters shall consist of a structure that is permanently affixed to the ground, constructed in accordance with the adopted state construction code, and provided with plumbing, heating, bathroom and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and his immediate family.

(Ord. No. 147-43, § 2.202, 12-15-2003)

40-698 Home occupations; prohibited uses.

Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following standards, unless otherwise specified elsewhere in this chapter:

- (1) Home occupations must be clearly incidental to the use of the dwelling as a residence.
- (2) No outdoor display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises.
- (3) The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner that would cause the premises to differ from its residential character either by the

use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.

- (4) Only the residents of the dwelling unit may be engaged in the home occupation.
- (5) The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. No more than 10 customers or clients shall come to the dwelling unit for services or products during any one day. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
- (6) No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
- (7) One nonilluminated nameplate, not more than one square foot in area, shall be permitted. Said sign shall be attached flat to the building wall, and shall display only the name and occupation of the resident on the premises.
- (8) A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly zoned residential district.
- (9) The following uses, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses are specifically prohibited as home occupations (unless otherwise permitted subject to special approval):
 - a. Medical clinics and hospitals.
 - b. Bed and breakfast establishments.
 - c. Offices maintained for the general practice of a veterinarian, doctor, lawyer, accountant, insurance agent or real estate agent. The private offices of these professionals shall be permitted, provided that the residence is used only for consultation, emergency treatment or business matters that can be carried on by the professional alone.
 - d. Millinery shops.
 - e. Animal hospitals or commercial kennels.
 - f. Vehicle and engine repair businesses.
 - g. Antique shops.

- h. Barbershops and beauty parlors.
- i. Private clubs.
- j. Landscape installation and maintenance businesses, including lawn mowing businesses.
- k. Snow plowing and/or removal businesses.
- l. Concrete, excavation or similar contractors.
- m. Trailer rental.
- n. Restaurants.
- o. Repair shops and service establishments.

This list does not include every use that may be prohibited as a home occupation.

(Ord. No. 147-43, § 2.203, 12-15-2003)

State law reference— Instruction in craft or fine art deemed a home occupation, MCL 125.3204.

40-699 Livestock and farm animals.

The following requirements shall apply to the care and keeping of all livestock and farm animals on individual parcels within the township:

- (1) On those parcels which meet the description of "Category 1" or "Category 2" sites under GAAMPs, livestock and/or farm animals may be kept as regulated herein.
- (2) On those parcels which meet the description of "Category 3" sites under GAAMPs, livestock and/or farm animals, not to exceed 50 in number, may be kept, provided:
 - a. The parcel upon which farm animals or livestock are proposed to be kept is not located within one-eighth of a mile of a subdivision or platted lots with more than 13 homes or residences;
 - b. There is not a nonfarm residence within 250 feet of the parcel.
- (3) On those parcels which meet the description of "Category 4" sites under GAAMPs, there is no statutory right to farm or to keep or maintain farm animals or livestock. Local zoning ordinances apply.
- (4) On all parcels where livestock and/or farm animals are permitted to be kept hereunder, they shall be kept only in strict compliance with the requirements set forth herein.

a. *Livestock.* Livestock shall only be kept and maintained in the township in compliance with the following requirements:

1. *Minimum acreage.* No livestock shall be kept or maintained in any zoning district on a lot or parcel less than five acres. Livestock may only be kept, added or substituted as listed on the chart below.

2. *Restrictions.* The parcel must also have at least 100 feet of public road frontage, have a continuous width of at least 100 feet and at least 100 feet for each additional dimension of the parcel, and comply with the following regulations:

- (i) Facilities providing shelter to livestock located on the site shall be located at least 250 feet from any adjacent residence and the parcel owner must apply for and receive a zoning permit prior to their erection;
- (ii) All fencing for livestock and fencing and structures for farm animals shall be at least a minimum of 100 feet from all adjacent residences, excluding residences on the parcel at issue, and shall be maintained clean and free from refuse, debris and manure;
- (iii) *Breeding.* Any resulting offspring must be removed from the property within 90 days of birth.

b. *Farm animals.* Farm animals shall be allowed on parcels of five acres or more in compliance with the above restrictions and in addition to livestock as listed in the chart below.

Number of animals allowed and their equivalent substitute as noted per quantity of acres		
LIVESTOCK—Only 1 group of the bulleted animals or combination equal to 1 group is permitted per the acreage listed	Min. 5 acres	Per add. 1 acre
a. Bovine and/or cattle	1	1
b. Equine and/or horse, alpaca, donkeys	2	1
c. Swine and/or pig, hog	2	2
d. Ostrich, emu, llama, etc.*	2	1
e. Ovine—sheep, goats, etc.*	6	2

FARM ANIMALS —In addition to livestock, chickens, rabbits, poultry, or furred animals, etc.*	100	40
*As determined appropriate by the zoning administrator in compliance and recognition of other state and/or national standards adopted by resolution of the township board.		

- c. Anyone desiring to have livestock or farm animals on parcels of less than five acres (with the exception of the residential restrictions listed below) must submit a sketch plan and application to the planning commission a minimum of 28 days prior to the meeting for review and approval at regular meeting, to be held no sooner than 15 days after notice has been provided by the township and at the applicant’s expense to the owners and occupants of all parcels of land within 300 feet of the applicant’s parcel. Application fees shall be determined by resolution of the township board, from time to time.
- (5) *Residential restrictions.* Farm animals (excluding livestock) may be kept and maintained in the township on residential lots, under five acres, in compliance with the following requirements:
- a. Farm animals/pets, for personal or for "4-H" activities, such as chickens, rabbits, or other small animals, in any total combination up to four, excluding roosters, may be kept, provided they are caged and/or fenced and are located to the rear and/or side of the occupant’s residence and at least five feet from adjoining property lines, unless they are deemed to be creating a nuisance, and are ordered removed. (Requirements of the animal control ordinance will regulate dogs and cats.)
 - b. Any resulting offspring must be removed from the property within 90 days of birth.
- (6) The following shall apply to the keeping of any and all animals: All animals must be kept in a safe and humane manner with provision for the proper feed, water, space and including shelters for the protection from the elements and subject to all local, state and federal requirements.
- (7) All structures and fencing for the keeping of animals must be approved by the zoning administrator and/or building official and must be constructed and maintained in compliance with township ordinances and all necessary permits must be secured before construction commences.
- a. Kennels and/or commercial stables are prohibited in any residential district.
 - b. Detached accessory structures for livestock or farm animals may not be erected on any vacant residential parcels without a variance from the zoning board of appeals.
- (8) *Animal waste and manure* means livestock excreta, bedding material, milk house waste, soil, compost, hair, feathers, egg shells, or other debris normally included in manure handling. Any zoning request to permit animals on any GAAMP category or specially approved site by the planning commission

must include an animal waste removal plan for approval. The animal waste removal plan must include storage area, removal procedures and schedule for waste removal from the site, odor control and locations of any and all floodplains, wetlands, creeks, ponds, waterways and wells, active and nonactive. Any verified complaints pertaining to any of the above conditions could result in the revocation of the approval.

(9) Animals generally considered "exotic" or "dangerous," in any manner, as determined by the ordinances of Port Huron Township and the zoning administrator and/or which require specific state and/or federal registrations and/or regulations must be approved prior to harboring in the township. Note: Bees are not considered livestock or farm animals and will not be regulated unless determined to be a nuisance or blight.

(Ord. No. 238, 11-7-2016; Ord. No. 238A, 6-19-2017)

40-700 Uses not otherwise included within a zoning district.

A land use that is not cited by name as a permitted use in a zoning district may be permitted upon determination by the zoning official such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the zoning official shall consider the following:

(1) *Determination of compatibility.* In making the determination of compatibility, the zoning official shall consider specific characteristics of the use in question and compare such characteristics with those of the uses that are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation and building characteristics.

(2) *Conditions by which use may be permitted.* If the zoning official determines that the proposed use is compatible with permitted and existing uses in the district, the zoning official shall then decide whether the proposed use shall be permitted by right, as a special use or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located.

(3) *Planning commission determination.* In the event that the zoning official is unable to decide if a use should be considered a permitted use in a particular zoning district, then the zoning board of appeals may be asked for an interpretation of this chapter in a specific case.

(4) *Uses listed in another district.* No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special use in any other district.

(Ord. No. 147-43, § 2.205, 12-15-2003)

40-701—40-728. Reserved.

Subdivision IV. Development Standards

40-729 Streets, roads and other means of access.

(a) *Intent.* Unimpeded, safe access to parcels of land throughout the township is necessary to provide adequate police and fire protection, ambulance services and other public services, and to otherwise promote and protect the health, safety and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above-stated intentions.

(b) *Public access required.* The front lot line of each lot shall abut onto a publicly dedicated road right-of-way or a private road complying with adopted standards for roads by the county road commission.

(c) *Driveway dimensions.* Driveways providing access to residential, commercial or industrial properties shall comply with the dimensional standards specified in section 40-786(e)(2)b.

(d) *Access across residential district land.* No land that is located in a residential district shall be used for a driveway, walkway or access purposes to any land that is located in a nonresidential district, unless such access is by way of a public road.

(e) *Service roads.* If the planning commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the commission may permit or require construction of service roads across abutting parcels and generally parallel to the arterial street to allow traffic to circulate from one parcel to another without reentering the public road. The front edge of any such secondary access drive shall be located no closer to the road than the future right-of-way line. Such secondary access drive shall conform to the minimum specifications established by the township engineer.

(f) *Performance guarantee.* To ensure completion of a private road or service road in conformance with the requirements set forth herein, the building official or zoning official may require the applicant or owner to provide a performance guarantee, in accordance with section [40-82](#)

(Ord. No. 147-43, § 2.301, 12-15-2003)

40-730. Grading regulations.

(a) *Intent and scope of requirements.* Compliance with the grading regulations set forth herein shall be required as follows:

- (1) *Intent.* Grading regulations are established to control the excavation and filling of land, to ensure adequate drainage away from structures and to a natural or established drainage course, and to ensure protection of trees on sites where grading is to take place. These regulations establish procedures and

requirements for grading permits, inspection of finished grading operations, and penalties for violation of the grading regulations.

(2) Scope of application. A grading permit shall be required in all instances where grading, excavating, filling, stockpiling or other alteration to the land is proposed. Filling shall include the dumping of soil, sand, clay, gravel or other material on a site. However, where proposed alterations to the land are minor and are determined by the township engineer to have no significant impact on the storm drainage pattern, the requirement for a grading permit may be waived.

(b) Grading plan.

(1) Generally. In the event that a grading permit is required, the applicant shall first submit a grading plan for review and approval by the township engineer and building official. Grading plans may be submitted in conjunction with a site plan review, or may be submitted as a separate plan. Such plans shall be prepared and sealed by a registered land surveyor or civil engineer.

(2) Grading plan standards. At a minimum, grading plans shall show grade elevations adjacent to existing and proposed structures and at the nearest side of structures on adjacent properties, and sufficient existing and proposed elevations on the site to be altered and on as much of the adjacent property as is necessary to establish the proposed surface water drainage pattern. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan. All elevations shall be based on USGS datum. Elevations and location of benchmarks used for determining elevations shall be shown on the plan.

(3) Subdivision grading plans. For any proposed subdivision or site condominium project, a grading plan prepared and sealed by a registered land surveyor or civil engineer shall be submitted with the preliminary plan. The grading plan shall show the topography of the area proposed for development, the existing drainage pattern and the proposed surface water drainage pattern. Drainage easements shall be provided across private property where necessary for handling surface drainage from adjacent properties.

(c) Grading standards.

(1) Slope away from buildings. All buildings and structures shall be constructed at an elevation that provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. Unless insufficient space exists on a site, a minimum five percent slope away from all sides of a building or structure shall be provided for a minimum distance of ten feet.

(2) Establishing grade. The established grade on all types of buildings and/or structures in the township shall not exceed 20 inches above or below the sidewalk or the crown of the road, as it exists at the time of

construction. The township building official may waive this requirement in special cases where he finds that the natural topography has an adverse effect upon drainage and that this provision would serve no useful public purpose.

(3) Runoff onto adjacent properties. New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through dedicated drainage courses or easements.

(4) Prohibited fill. No fill material shall be placed in wetlands, floodplains, spillways or watercourses without appropriate federal, state and local approvals.

(d) Review, inspection, and approval procedures. The township engineer and building official shall review grading plans for approval. In the event that the grading plan is submitted in conjunction with a site plan submission, the planning commission shall review the grading plan as a part of normal site plan review. The building official shall issue a grading permit after a determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with. For residential properties, the building official may verify compliance with a grading plan and permit after a visual on-site inspection. The township engineer shall be responsible for verifying compliance with grading plans and permits for nonresidential sites or in cases the building official considers a review by the township engineer appropriate. Before final inspection and issuance of a certificate of occupancy, the rough grading must be completed; final grading shall be completed within six months after a certificate of occupancy has been issued.

(Ord. No. 147-43, § 2.302, 12-15-2003)

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

40-731. Lighting requirements.

Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

(1) Permitted lighting. Only nonglare, color-corrected lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site, prevent glare, and point away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists (see diagram).

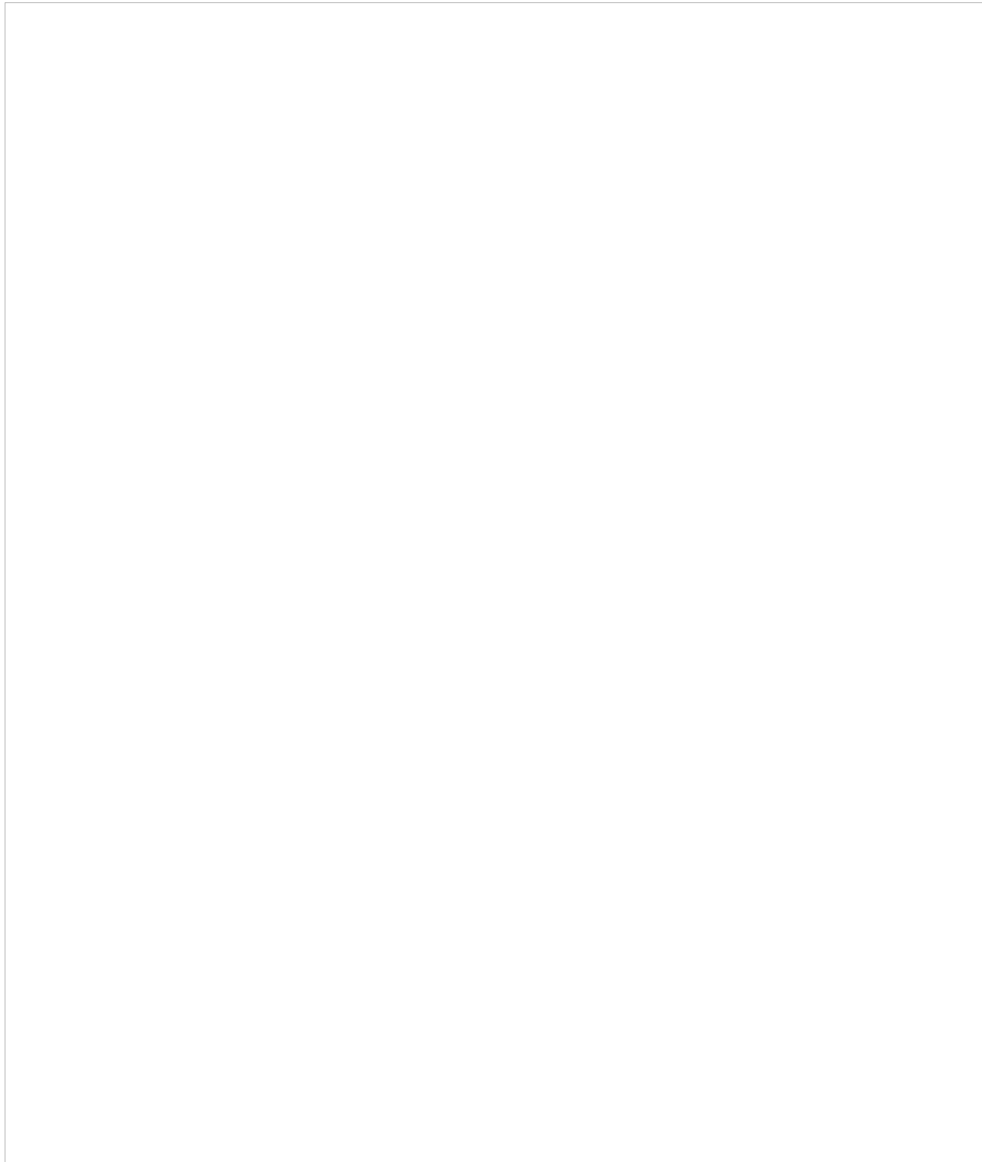
(2) Intensity. In parking areas where lighting is supplied, the light intensity shall average a minimum of 1.0 footcandle. In pedestrian areas where lighting is supplied, the light intensity shall average a minimum of 2.0 footcandles. In no case shall the intensity of lighting exceed 0.5 footcandles at any property line abutting a parcel that is either zoned or used for residential purposes or 1.0 footcandles at any

nonresidential property line. All measurements shall be made at a level five feet above the grade.

(3) Height. Except as noted below, lighting fixtures shall not exceed a height of 25 feet measured from the ground level to the centerline of the light source. The planning commission may modify these height standards in nonresidential districts, based upon consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and the character of surrounding land use. In no case shall the lighting on a site exceed the maximum building height in the district in which it is located.

(4) Sign lighting. Signs shall be illuminated only in accordance with all applicable regulations of the township.

(5) Site plan requirements. At the time of site plan approval the applicant must supply a photometric plan consistent with requirements of these regulations. All lighting, including ornamental lighting, shall be shown on plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable offsite effects.



LIGHTING REQUIREMENTS

(Ord. No. 147-43, § 2.303, 12-15-2003)

40-732. Dumping, filling and excavation.

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

- (1) Dumping of waste, junk or similar materials. The use of land for the storage, collection or accumulation of used construction materials, or for the dumping or disposal of refuse, ash, garbage, rubbish, waste material or industrial by-products shall be prohibited in any district unless otherwise allowed

in this chapter, the county solid waste management plan and Part 115 of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994 (MCL 324.11501 et seq.; NREPA Part 115) for solid waste management planning.

(2) Excavation. The excavation or continued existence of unprotected holes, pits or wells that constitute or are reasonably likely to constitute a danger or menace to the public health, safety and welfare is prohibited. However, this restriction shall not apply to excavations for which a permit has been acquired, provided that such excavations are properly protected with fencing, guard rails and warning signs. Excavations that may be permitted if proper permits are acquired include excavation related to construction of a driveway, walk, a permitted wall, or building or part thereof, or movement of soil within the boundaries of a parcel for the purposes of preparing a site for building construction or another permitted use.

(3) Dumping of soil, sand, clay, gravel or similar material. The dumping or filling with soil, sand, clay, gravel or similar earthen material (excluding waste, junk or contaminated material) on any lot or parcel of land shall not occur unless the plans for such dumping or filling have first been reviewed and appropriate permits issued by the building official. Land within a drainage easement shall not be filled unless approved by the township engineer.

(4) Removal of soil, sand or similar materials. Approval of the building official shall be required prior to the removal of topsoil, sand, gravel or similar earthen material from any site in the township. A permit shall be issued only upon finding that such removal will not cause stagnant water to collect or leave the surface of the land in an unstable condition or unfit for the growing of turf and other land uses permitted in the district in which the site is located.

(Ord. No. 147-43, § 2.304, 12-15-2003)

40-733. Trash removal and collection.

Dumpsters are required as an accessory to any use other than single- and two-family residential uses, subject to the following conditions:

(1) Location. Dumpsters shall be permitted in the side or rear yard provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure, and provided further that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten feet from any building. Dumpsters shall comply with the setback requirements for the district in which they are located and shall be located as far as practicable from any adjoining residential district.

(2) Concrete pad. Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.

- (3) Screening. Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. The screening shall be on three sides with a permanent building, decorative masonry wall, wood fencing or earth mound not less than six feet in height or at least six inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.
- (4) Bollards. Bollards (concrete-filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.
- (5) Site plan requirements. The location and method of screening of dumpsters shall be shown on all site plans.

(Ord. No. 147-43, § 2.305, 12-15-2003)

40-734. Safety provisions.

- (a) Public service access. All structures shall be provided with adequate access for fire, police, sanitation and public works services.
- (b) Fire protection. All structures shall be provided with adequate fire protection, including adequate water supply for firefighting purposes, adequate internal fire suppression system, use of firewalls and fireproof materials, and other fire protection measures deemed necessary by the fire inspector or building official.
 - (1) Fire protection systems. The fire inspector or building official shall have the authority to require fire protection systems installed in any zoning district.
 - (2) Site development standards. To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:
 - a. Water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate firefighting protection for all buildings and uses, subject to applicable codes and review by the township officials. Where public water supplies may be insufficient for safety purposes, the fire inspector may require the installation of dry hydrants in areas adjacent to open water.
 - b. Prior to construction of buildings and other large structures, a hard-surfaced roadbed shall be provided to accommodate access of heavy firefighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.
 - c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers or other fire extinguishing equipment, whether permanent or temporary, shall be provided and

maintained at all times.

d. The building permit holder shall provide scheduled daily cleanup of scrap lumber, paper products and corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the building official.

(Ord. No. 147-43, § 2.306, 12-15-2003)

40-735. Sidewalks.

Sidewalks, where proposed or required, shall be subject to the following regulations:

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

(Ord. No. 147-43, § 2.307, 12-15-2003)

40-736 Ponds.

Private ponds for fish, ducks, livestock, irrigation, fire protection, aesthetics or home recreation are allowed in any zoning district subject to the following conditions:

- (1) The pond must be located on a zoning lot of at least five contiguous acres.
- (2) Prior to construction, a topographical plan shall be submitted to the building official for review.

- (3) No manmade pond shall be created or expanded to a total surface area exceeding one acre. When combined with other site improvements, no pond shall exceed the maximum lot coverage allowed for the zoning district per the schedule of regulations, section [40-619](#).
- (4) A five to one side slope (five feet horizontal for each one foot vertical) shall be provided and maintained.
- (5) Excavated material may be leveled around the area of the pond as long as there is no adverse effect upon drainage patterns.
- (6) All of the disturbed ground around the excavation shall be seeded with adapted grasses and legumes.
- (7) Any ponds created within wetland or floodplain areas shall comply with all applicable federal, state and location regulations and permit processes.

(Ord. No. 147-43, § 2.308, 12-15-2003)

State law reference— Wetlands protection, MCL 324.30301 et seq.

40-737 Fences.

Every fence constructed or erected in the township shall comply with the regulations of this chapter. No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this section.

- (1) *General requirements.*
 - a. *Intent.* The intent of the revision of the fence regulations is due to the increased need for additional security options and the number of fences that have recently been erected in nonconformity to the existing ordinance during the closure of the Township Hall and the recent concerns regarding the COVID-19 pandemic.
 - b. *Definitions.* The following definitions of fencing shall be added to the zoning ordinance for regulation purposes:
 1. A "decorative" fence will be considered any fence with a scalloped or other erratic cutout design on the top and sides along with other designs or log or structurally stacked horizontal members that do not exceed the height limitation for the location specified as allowed per the ordinance. Vinyl fences with decorative panels shall also be considered decorative for the purposes of this section.
 2. For the purposes of this section, shrubbery and/or trees shall not be defined as a "fence." Other regulations listed elsewhere in the ordinances to control the location of plantings are still

applicable and such regulations shall be enforced where listed.

3. The word "department" as used in this section shall include the definition of the building official, the zoning administrator, or their designee, such as a code enforcement officer or similar appointed position.

c. *Fence materials.* Fences shall consist of materials commonly used in conventional fence construction, such as plastic, wood or metal. Razor wire shall not be permitted. Electric and barbed wire fences are not permitted except where erected entirely inside of another permitted, conforming fence, on properties approved for agricultural uses for the containment of livestock, in compliance with all ordinance restrictions listed elsewhere in the ordinance.

d. *Finished appearance.* If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot with the following exceptions:

1. When a fence is approved for construction under a joint permit as provided for in this section, the joint permit holders shall determine the preferred orientation of the more finished side of the fence along the common property lines of the joint permit holders.

2. An owner of abutting property may waive the right for the more finished side of a fence to face his abutting property. Such waiver of right must be in the form of a written consent statement, signed by the owner of the property where the fence would face under the normal requirements of this section. The written consent statement shall be attached to the permit application and maintained with permit records by the department.

e. *Obstruction to use of adjoining property.* No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the department may require a fence to be set back a minimum distance, as noted elsewhere in the ordinance from a driveway, street, sidewalk or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.

f. *Fence maintenance.* Fences shall be maintained in good condition. All fences shall be the responsibility of the owner of the property on which it is placed. Rotten or broken components shall be replaced, repaired or removed, as necessary or required. Surfaces shall be painted, stained or otherwise treated with materials to protect and preserve the fence and provide an attractive finish. If a fence is found to be in need of repair, the department shall issue orders to complete such repairs. Failure to comply with written notice to the property owner of record by the department shall be

deemed a violation of this chapter and subject to a municipal civil infraction.

g. *General location requirements.* Any fence shall be located entirely on the property for which the permit is issued. No fence, or portion thereof, including electric fences and/or barbed wire, may extend into or over another's property, right-of-way, or an established walkway such as a sidewalk, with the exception of gates as noted elsewhere in the ordinance. Gates or sections of the fence may swing into or over a private walkway provided there are no hazardous sections such as barbed wire which may cause serious intentional bodily harm. However, adjoining property owners may jointly apply for a fence permit, in which case the department may permit it to be constructed on their common property line. A fence shall not be attached to or touch a fence located on another owner's lot without the express written agreement of the owners of both fences. In every case, fences must be constructed with adequate posts and other supports so that each fence is capable of maintaining a rigid and upright position in compliance with the locations described in the original application.

h. *Corner clearance.* Fences located adjacent to a street or driveway shall be designed to provide unobstructed sight distance for drivers in accordance with section [40-665\(4\)](#) as currently referenced.

i. *Nonconforming fences.* Fences approved after passage of the ordinance revision codified in this section or that can be documented on the St. Clair County Geographic Information System as being erected prior to the 2010 Ariel photography flyover may be replaced as documented on the photos or on a previously approved permit application may be replaced as approved or documented. However, any future additions to the fence locations and heights will be required to conform to this chapter.

(2) *Review and approval procedures.*

a. *Application for permit.* An application for a permit to construct a fence shall be filed with the department. No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this section. If a fence is proposed in conjunction with a development that requires site or sketch plan review, then the fence shall be shown on the plans. The plans shall be reviewed in accordance with normal site or sketch plan review procedures. The application shall be accompanied by drawings and other information that illustrate the dimensions, design and location of the proposed fence. The following minimum information shall be included on the drawing submitted in support of a fence permit application:

1. Fence location.
2. Distance from lot lines and site improvements.
3. Materials, sizes and methods used in construction.
4. Location of all structures within 25 feet of the proposed fence.

5. Location of all existing fences within 10 feet of the proposed fence.
 6. Location of all driveways within 25 feet of the proposed fence.
 7. Location of all sidewalks within 25 feet of the proposed fence.
- b. *Permit issuance.* The department or their designee may determine other additional information that is reasonably necessary to provide a complete review of the proposed fence and issue the permits. Such additional information shall be provided by the applicant as may be required to ensure compliance with the regulations set forth in this chapter and be inspected by the department, to ensure the fence is in compliance with all requirements listed.
- c. *Permit costs.* Each fence permit application shall be accompanied by a fee, at permit issuance, to recover the reasonable costs for review and permit issuance. The amount of the fee shall be fixed by resolution of township board and posted in the building department. If the fence is constructed before an application for a permit is obtained, the fee shall be increased to an amount equal to twice the fee that is required if the permit application and fee were obtained prior to construction of the fence. The department shall grant a permit to construct a proposed fence upon finding that the proposed fence fully complies with all applicable regulations.
- d. *Survey required.* In the event lot lines for the subject property cannot be located to the satisfaction of the department, they may withhold issuance of the permit until the lot lines are located and permanent stakes are installed by a licensed surveyor.
- e. *Appeal of a decision.* Upon determination that the permit application or the requirements of the proposed fence do not meet the requirements listed in the ordinance or an application is denied by the planning commission or the department, the applicant may appeal the decision to the zoning board of appeals.
- f. *Penalties.* Any failure to comply with any part of this section, or to maintain and/or protect the safety of the animals, the property, and/or neighboring property shall be considered a violation of the ordinance and subject to a municipal civil infraction, and/or other action as deemed necessary by the township.
- (3) *Fence regulations in residential zoning districts.*
- a. *Locations and height.* Fences in residential districts shall not exceed six feet in height. Fences shall only be located as noted below and shall be subject to the following additional regulations:
 1. Three-foot-high decorative fences shall be permitted in any area of a legal parcel surrounding

a residence, subject to all other restrictions listed.

2. Up to four-foot-high fences shall be permitted in all side and rear yard setback locations and may only be placed in front of a residence, up to and parallel with the front yard setback allowed for a covered or uncovered porch.

3. Up to six-foot-high fences shall be permitted in the following locations:

i. Anywhere in the allowed rear and side yard setbacks of a residence.

ii. Up to and parallel with the front of a residence or the attached garage to the adjacent side yard lot line.

iii. Up to and parallel with the front of a residence or detached accessory structure, that extends into a front yard setback, only when approved by the planning commission through the submittal of a sketch plan application.

iv. Up to and/or parallel with the adjacent rear yard setback of the residence on the side yard setback on that side of the property.

b. *Fences abutting rights-of-way.* Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line. Where two residences both have abutting rear yards, or where there are vacant lots or no adjacent residences with frontage on the right-of-way, a six-foot-high fence shall be permitted.

c. *Fences enclosing public areas.* Fences that enclose public parks, playgrounds or similar public areas located within a residential district shall not exceed six feet in height, measured from the surface of the ground, without sketch plan review and approval by the planning commission.

d. *Screening.* A maximum of six-foot-high fencing or screening shall be allowed to be erected on the top of decks, pools and other similar occupied raised platforms located in a side or rear yard setback upon the issuance of a zoning permit, provided the base structure is in compliance with the minimum setback requirements listed in the ordinance for the structure.

(4) *Fence regulations in nonresidential zoning districts.*

a. *Location.*

1. Except as otherwise permitted in this section for industrial facilities, fences shall be permitted in the rear or side yards of nonresidential districts; provided, that no fence shall extend closer

toward the front of the lot than any portion of the principal structure.

2. A fence may also be installed in the front yard of a lot located in nonresidential districts for the purpose of providing security for goods, supplies and vehicles stored on the industrial lot, provided an application for the security fence shall be submitted for review and approval consistent with the site plan or sketch plan approval procedures of the zoning ordinance. Reasonable conditions for the placement of such fences may be included when such fence is approved.

3. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.

4. Fences on corner lots shall comply with the corner clearance requirements listed in section [40-665\(4\)](#).

b. *Height.* Fences in commercial and industrial districts shall not exceed eight feet in height without special use approval by the planning commission.

c. *Barbed wire.* Barbed wire may not be attached to the top of a fence in an industrial or commercial district, without special use approval by the planning commission.

d. *Signs attached to fences.* Signs advertising the availability of services or products shall not be attached to any fence. The only sign that may be attached to a fence shall indicate the name of the individual or company that constructed the fence and that sign shall not exceed two square feet in area.

e. *Conflict with wall requirements.* This section shall in no way alter or affect the requirements for walls as set forth in other sections of this chapter.

(Ord. No. 147-43, § 2.309, 12-15-2003; Ord. No. 233, 4-1-2013; Ord. No. 248, § 2, 5-17-2021)

40-738 Satellite dish antennas.

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

- (1) *Roof-mounted antennas.* Roof-mounted dish antennas up to ten feet in diameter shall be permitted in nonresidential districts only, provided that the antennas comply with the height standards for the district in which they are located. Roof-mounted dish antennas up to 24 inches in diameter shall be permitted in residential districts.

(2) *Ground-mounted antennas.* Ground-mounted antennas up to ten feet in diameter shall be permitted in all districts subject to the following conditions:

- a. Maximum height permitted shall be 20 feet.
- b. The satellite dish structure shall be securely mounted and anchored to a pole and secured in accordance with the requirements of the manufacturer and the state construction code.
- c. If elevated off of the ground, all such antennas shall be located so that there is an eight-foot clearance between the lowest part of the dish and grade.
- d. Satellite dish antennas shall comply with setback requirements for the district in which they are located, and shall not be permitted in front yards.
- e. All electrical and antenna wiring shall be placed underground.
- f. The surface of the dish shall be painted or treated so as not to reflect glare from sunlight, and shall not be used as any sign or message board. All installations shall employ (to the extent possible) materials and colors that blend into the surroundings.

(Ord. No. 147-43, § 2.310, 12-15-2003)

40-739 Wireless telecommunication facilities and services.

(a) Scope. Wireless telecommunication support structures (towers) and wireless telecommunication facilities (antennas) are permitted upon special land use approval and site plan review and approval, subject to the conditions hereinafter imposed in subsection (b) of this section, and subject further to the special land use procedures as uses allowed under special use regulations, in all districts and if approved, constructed and maintained in accordance with the standards and conditions of this section, and also subject to the following criteria and standards:

- (1) Allowable district not available. At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.
- (2) Design. Wireless telecommunication facilities shall be of a design such as a steeple, bell tower or other form that is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the planning commission, and shall comply with the collocation requirements of subsection (b)(12) in all districts.
- (3) Priority. In all districts, site locations shall be permitted on a priority basis on the following sites, subject to application of all other standards contained within this section:

- a. Municipally owned sites.
- b. Other governmentally owned sites.
- c. Religious or other institutional sites.
- d. Public or private school sites.

(4) Monopole. Monopole towers shall be permitted in lieu of an alternative design provided that such towers are set back at least 300 feet from any public road and shall comply with the collocation requirements of subsection (b)(12) of this section.

(5) Residential lot prohibition. No wireless telecommunication facilities shall be permitted on a privately owned residential lot of record within any residential zoning district.

(b) General requirements for wireless telecommunication facilities. All applications for wireless telecommunication facilities shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the planning commission at its discretion within the intent and purpose of this chapter.

(1) Application information. All applications for the required permit to place, construct or modify any part or component of a wireless telecommunication facility shall include the following:

- a. A site plan prepared in accordance with the procedures in article II, division 2 of this chapter, showing the location, size, screening and design of all buildings and structures, including fences; the location and size of outdoor equipment; the location, number and species of proposed landscaping; as-built drawings for all proposed attached wireless telecommunication facilities and/or wireless telecommunication support structures; and photographs of at least three similar existing structures.
- b. A disclosure of what is proposed, demonstrating the need for the proposed wireless telecommunication support structure to be located as proposed based upon the presence of one or more of the following factors:
 - 1. Proximity to an interstate highway or major thoroughfare.
 - 2. Areas of population concentration.
 - 3. Concentration of commercial, industrial and/or other business centers.
 - 4. Areas where signal interference has occurred due to tall buildings, masses of trees or other

obstruction.

5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. Other specifically identified reasons creating a need for the facility.
- c. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.
 - d. The existing form of technology being used and any changes proposed to that technology.
 - e. As applicable, the planned or proposed and existing service area of the facility and the attached wireless telecommunication facility, and wireless telecommunication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.
 - f. The nature and extent of the provider/applicant's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
 - g. The identity and address of all owners and other persons with a real property interest in the property, buildings or structure upon which facilities are proposed for placement, construction or modification.
 - h. A map showing existing and known proposed wireless telecommunication facilities within the township, and further showing existing and known proposed wireless telecommunication facilities within areas surrounding the borders of the township in the location, and in the area, that are relevant in terms of potential collocation, or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy MCL 15.243(1)(g). This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the township.
 - i. For each location identified on the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
 1. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.

2. Whether property owner approvals exist or have been requested and obtained.
 3. Whether the location could be used by the applicant/provider for placement of its attached wireless telecommunication facility or, if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless telecommunication services.
- j. A certification by a state licensed and registered professional engineer regarding the ability of the structure to support the antennas and the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
 - k. A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in subsection (b)(7) of this section. The security shall, at the election of the township, be in the form of cash, surety bond, letter of credit or an agreement in a form approved by the township attorney and recordable at the office of the county register of deeds, a promise of the applicant and owner of the property to timely remove the facility as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the township in securing removal and the property shall provide security for the costs and fees.
 - l. The site plan shall include a landscape plan where the wireless telecommunication support structure is being placed at a location that is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless telecommunication support structure base, accessory buildings and enclosure. In all cases there shall be fencing of at least eight feet in height that is required for the protection of the tower.
 - m. Evidence of site plan approval from the Federal Aviation Administration, if required, or evidence that such approval is not required.
 - n. The name, address and telephone number of the person to contact for engineering, maintenance and other noticed purposes. This information shall be continuously updated during all times the facility is on the premises.
- (2) Support structure. The wireless telecommunication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless telecommunication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.

- (3) Height demonstration. The maximum height of all new or modified attached wireless telecommunication facilities and wireless telecommunication support structures shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure), whichever is less, to the satisfaction of the planning commission, or such lower heights as approved by the Federal Aviation Administration. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights. The accessory building contemplated to enclose items such as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- (4) Setbacks. Where the wireless telecommunication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless telecommunication support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless telecommunication support structure is located.
- (5) Access. There shall be an unobstructed access to the wireless telecommunication support structure for operation, maintenance, repair and inspection purposes. The access may be provided through an easement. This access shall have a width and location determined by such factors as the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless telecommunication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment that will need to access the site.
- (6) Land division prohibition. The division of property for the purposes of locating a wireless telecommunication support structure is prohibited unless all building requirements and conditions are met.
- (7) Variances. The zoning board of appeals may grant variances only for the setback requirements of a wireless telecommunication support structure, provided that the proposed location will reduce its visual impact on the surrounding area, or for the collocation requirements of subsection (b)(12) of this section.
- (8) Equipment placement. Where a wireless telecommunication facility is proposed on the roof of a building with the equipment enclosure proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that the accessory building conforms to all district requirements for principal buildings, including yard setbacks and building height.
- (9) Color. The planning commission shall, with respect to the color of the wireless telecommunication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce

visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless telecommunication facility in a neat and orderly condition recognizing its highly visible nature.

(10) Code compliance. Wireless telecommunication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the state. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and state aeronautics commission shall be noted.

(11) Maintenance. A maintenance plan, and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the longterm, continuous maintenance to a reasonably prudent standard.

(12) Collocation of facilities. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by said provider, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the township.

(13) Collocation capability. Any proposed commercial wireless telecommunication support structures shall be designed, structurally, electrically and, in all respects, to accommodate both the applicant's attached wireless telecommunication facility and comparable attached wireless telecommunication facilities of additional users. Wireless telecommunication support structures must be designed to allow for future rearrangement of attached wireless telecommunication facilities upon the wireless telecommunication support structure and to accept attached wireless telecommunication facilities mounted at varying heights.

(14) Standards for approval. A proposal for a new wireless telecommunication support structure shall not be approved unless and until it can be documented by the applicant that the telecommunication equipment planned for the proposed wireless telecommunication support structure cannot be feasibly collocated and accommodated on an existing or approved wireless telecommunication support structure or other existing structure due to one or more of the following reasons:

- a. The planned equipment would exceed the structural capacity of the existing or approved wireless telecommunication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless telecommunication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment on the wireless telecommunication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
- c. Existing or approved wireless telecommunication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
- d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing wireless telecommunication support structure or building.
- e. For the purposes of this section, collocation shall be deemed to be feasible where all of the following are met:
 - 1. The provider entity being considered for collocation will undertake to pay market rent or other market compensation for collocation.
 - 2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - 3. The location being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference given appropriate physical and other adjustment in relation to the structure, antennas and the like.
 - 4. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the township, taking into consideration the several standards contained in within this section.

(15) Nonconforming structure. If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

(16) Violation. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and thus requires the construction and/or use of a new wireless telecommunication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this section and, consequently, such party shall take responsibility for the violation and shall be prohibited from receiving approval for a new wireless telecommunication support structure within the township for a period of five years from the date of the

failure or refusal to permit the collocation.

(17) Abandonment. When a wireless telecommunications facility has not been used for 180 days or more, or six months after new technology is available that permits the operation of a wireless telecommunications facility without the requirement of a wireless telecommunication support structure, all and/or part of the wireless telecommunications facility shall be removed by the users/owners of the wireless telecommunications facility. For the purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals), shall be considered as the beginning of a period of nonuse. The situation in which removal of a wireless telecommunications facility is required may be applied and limited to a portion of the facility.

a. Upon the occurrence of one or more of the events requiring removal, persons who had used the wireless telecommunications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition that existed prior to the construction of the wireless telecommunications facility.

b. If the required removal of the wireless telecommunications facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the township may enter upon the premises and remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the wireless telecommunications facility.

(18) Electromagnetic fields. Wireless telecommunication facilities shall comply with applicable federal and state standards relative to electromagnetic fields.

(Ord. No. 147-43, § 2.311, 12-15-2003)

40-740—40-761. Reserved.

¹**State Law reference**—Planned unit development, MCL 125.3503.

²**State Law reference**— Mobile home commission act, MCL 125.2301 et seq.

ARTICLE IV. NONCONFORMITIES¹

40-762. Intent.

Nonconformities are uses, structures, buildings or lots that do not conform to one or more provisions or requirements of this chapter or to any subsequent amendment, but which were lawfully established prior to the time of adoption of the ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this chapter to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement or extension. Accordingly, the purpose of this article is to establish regulations that govern the completion, restoration, reconstruction, extension and/or substitution of nonconformities, and to specify the circumstances and conditions under which the nonconformities shall be permitted to continue.

(Ord. No. 147-43, § 3.000, 12-15-2003)

40-763. General requirements.

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

- (1) Continuation of nonconforming uses, structures and/or buildings. Any nonconforming use established on or before the effective date of the ordinance from which this chapter is derived or amendment thereto may be continued and shall not be considered to be in violation of this chapter, provided that the structure, building and land involved shall neither be structurally altered nor enlarged unless such modifications conform to the provisions of this chapter for the zoning district in which it is located, unless otherwise noted in this chapter. Nothing in this chapter shall be deemed to prevent the strengthening or restoration of any building or structure or part thereof to a safe condition when said building is declared to be unsafe by an order of an official charged with protecting the public safety.
- (2) Buildings under construction. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in plans, construction or designated use of any structure or building on which physical construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this section is derived, and upon which actual building construction has been diligently continued. Physical construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been initiated preparatory to rebuilding or permanent construction, such work shall be deemed to be physical construction, provided that such work shall be continued diligently until completion of the building involved.
- (3) Discontinuation of nonconforming uses, structures and/or buildings.
 - a. Nonconforming structure or building. When a nonconforming use of a structure or building, or the use of a structure or building and land in combination, is discontinued or abandoned for a period exceeding 180 calendar days, the structure, building, structure and land in combination, or building and

land in combination, shall not thereafter be used except in conformance with the provisions of the zoning district in which it is located.

b. Nonconforming uses of land. If any nonconforming use of land ceases for any reason for a period exceeding 180 calendar days, any subsequent use of such land shall conform to the provisions set forth of the zoning district in which it is located.

c. Seasonal uses. In applying this subsection to uses that are typically seasonal in nature, any time related to the off-season for the use shall not be counted. In the case of seasonal uses, if a nonconforming use of a structure or building, or a structure or building and land in combination, is discontinued or abandoned for a period exceeding 365 calendar days, the structure or building, or structure or building and land in combination, shall not thereafter be used except in conformance with the provisions of the zoning district in which it is located.

(4) Purchase or condemnation. In order to accomplish the elimination of nonconforming uses, structures and/or buildings that constitute a nuisance or are detrimental to the public health, safety and welfare, the township, pursuant to section 208(3) of Public Act No. 110 of 2006 (MCL 125.3208(3)), may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses, structures and/or buildings. Where acquisition is contemplated, the procedures set forth in section [40-766](#) shall be followed.

(5) Recording of nonconforming uses, structures and/or buildings. The zoning official shall be responsible for maintaining the records of nonconforming uses, structures and/or buildings in a manner that is as accurate as feasible. The zoning official may make determinations as to the existence of legal nonconforming uses, structures and/or buildings on the effective date of the adoption of the ordinance from which this chapter is derived. Failure on the part of a property owner to provide the zoning official with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

(6) Establishment of a conforming use. If a nonconforming principle use is superseded by a principle use allowable within the zoning district, the nonconforming use, structure and/or building shall be immediately and permanently removed.

(7) Change of tenancy or ownership. In the event there is a change in tenancy, ownership or management, an existing nonconforming use, structure and/or building shall be allowed to continue provided there is no change in the nature or character of such nonconformity and the use, structure and/or building is otherwise in compliance with this chapter.

(8) Exceptions and variances. Any use, structure and/or building for which a special exception or variance has been granted as provided in this chapter shall not be deemed a nonconformity. If any future

amendment to this chapter causes a nonconforming situation regarding the exception or variance, the use shall become a nonconformity on the effective date of said amendment to this chapter.

(9) Unlawful nonconformities. Any nonconformity that was unlawful at the time it was established shall not become a lawful nonconformity because of the adoption of this amendment to this chapter.

(10) Substitution. A nonconforming use may be changed to another nonconforming use upon review and approval of the ZBA provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconformity. In permitting such a change, the ZBA may require special conditions upon the new use to accomplish the purposes of this chapter.

(11) Change of location. Should a nonconforming structure or building be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall conform to the regulations for the zoning district in which it is then located.

(Ord. No. 147-43, § 3.001, 12-15-2003)

40-764. Nonconforming lots of record.

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of the ordinance from which this chapter is derived or amendment thereto:

(1) Use of nonconforming lots. Any nonconforming lot shall be used only for a use permitted in the zoning district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory building may be erected on any single lot of record in existence on the effective date of adoption or amendment thereto. This provision shall apply even though such single-family lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety and welfare.

(2) Variance from area and bulk requirements. If the use of a nonconforming lot requires a variation from the area or bulk requirements, then such use shall be permitted only pursuant to a variance granted by the ZBA.

(3) Nonconforming contiguous lots under the same ownership. If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this chapter, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved and the entire combined area shall be considered as a singular, individual parcel for the purposes of this chapter. No portion of said parcel shall be used, occupied or sold in a manner that

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

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

(Ord. No. 147-43, § 3.002, 12-15-2003)

40-765. Modification to nonconforming uses, structures and/or buildings.

No nonconforming use, structure and/or building shall be enlarged, extended or structurally altered, nor shall any nonconformity be changed to a different nonconformity that increases the intensity of use or nonconformity, except as specifically permitted by the regulations that follow:

- (1) Applicability. The following regulations shall apply to any nonconforming use, structure and/or building including:
 - a. Nonconforming uses of open land.
 - b. Nonconforming use of buildings designed or used for a conforming use.
 - c. Nonconforming use of buildings specifically designed for the type of use that occupies them but is not suitable for a conforming use.
 - d. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading or landscaping requirements.
 - e. Nonconforming structures, such as fences and signs.
- (2) Enlargement, extension or alteration.
 - a. Increase in extent of nonconformity; prohibition. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity to this chapter. For example, physical alteration of structures or buildings or the placement of new structures or buildings on open land is unlawful if such activity results in:

1. An increase in the total amount of space devoted to a nonconforming use;
 2. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations or density requirements; or
 3. Other requirements in the district in which the property is located.
- b. Permitted extension. Any nonconforming use may be extended throughout any part of a building on that was manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of the ordinance from which this chapter is derived or any amendment thereto.
- c. Alterations that decrease nonconformity. Any nonconforming structure or building, or any structure or building, or portion thereof, containing a nonconforming use, may be altered if such alteration serves to clearly decrease the nonconforming nature of the structure, building and/or use. The zoning official shall determine if a proposed alteration decreases the degree of nonconformity.
- d. Variance to area and bulk requirements. If a proposed alteration is deemed reasonable by the zoning official for the fact that it would decrease the nonconforming nature of a structure, building and/or use, but the alteration requires a variation to area or bulk requirements, then such alteration shall not be permitted unless a variance is granted pursuant to action by the ZBA.
- (3) Repairs, improvements, and modernization.
- a. Required repairs. Repairs or maintenance deemed necessary by the zoning official to maintain a nonconforming building in a structurally safe and sound condition are permitted. If a nonconforming structure or building, or a structure or building that contains a nonconforming use becomes physically unsafe, dangerous and/or unlawful due to the lack of maintenance and repairs and is formally declared as such by the building official, it shall not thereafter be restored, repaired or rebuilt except in full conformity with the regulations in the zoning district in which it is located.
- b. Permitted improvements. Repairs, improvements or modernization of nonconforming structures or buildings shall be permitted, provided that such repairs or improvements do not exceed the most recent state equalized value (SEV; as determined by the township assessor) of the structure or building during any period of 12 consecutive months. Any such repairs, improvements and modernization shall not result in enlargement of the cubic content of the nonconforming structure or building. The provisions in this subsection shall apply to all structures and/or buildings, except as

otherwise provided in this chapter for single-family residential uses, and for reconstruction of structures and/or buildings damaged by fire or other catastrophe.

(4) Damage by fire or other catastrophe.

a. Any nonconforming structure or building, or any structure or building that contains a nonconforming use that is damaged by fire, flood or other means to a point where the cost of repairs will be in excess of the structure and/or building's pre-catastrophe state equalized value (as determined by the township assessor) shall not be rebuilt, repaired or reconstructed except in complete conformity with the provisions of this chapter.

b. In the event that the cost of repairing the damage is less than the structure or building's pre-catastrophe state equalized value (as determined by the township assessor), the structure or building may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the building official and all construction shall be in full compliance with applicable provisions of this chapter and other applicable township codes. Any request for such rebuilding, repair or restoration shall be made to the zoning official within 180 days following the incident. Any such rebuilding, repair or restoration shall be completed within one year from the date of the catastrophe.

(Ord. No. 147-43, § 3.003, 12-15-2003)

40-766. Acquisition of nonconforming buildings, structures or uses.

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

(1) Zoning official documentation and recommendation. Prior to instituting acquisition, the building official shall prepare or cause to have prepared a report for the board of trustees. The report shall include the following:

- a. A list of all requirements of this chapter that are not met by the subject property.
- b. An estimate of the expense of such acquisition.
- c. An estimate of the cost of removing the nonconformities.
- d. An estimate of the probable resale price of the property after acquisition and removal of the nonconformities.
- e. Recommendations concerning the allocation of costs to be incurred by the township.

(2) Board of trustees consideration.

a. Public hearing. After receiving and reviewing the report from the zoning official, the board of trustees shall determine if acquisition of the nonconforming property should be pursued. If the board of trustees decides to pursue acquisition, then it shall first set a public hearing. Not less than 15 calendar days prior to the public hearing, notice of the time, place and purpose of the public hearing shall be published in the official newspaper of the township, and sent by mail to the owners of property for which acquisition is being considered. The notice shall be sent to the owner's address as stated in the most recent assessment roll.

b. Special assessment. If any or all of the expense related to acquisition of the subject property is assessed to a special district, then the township assessor shall be directed to furnish the board of trustees with a tentative special assessment district and tentative plan of assessment. The names and addresses of the owners of property located in the district (as stated in the latest assessment roll) shall be provided to the board of trustees. Notice of the time, place and purpose of the public hearing shall be sent by mail to the owners of property located in the tentative special assessment district.

c. Board of trustees determination. If, following the public hearing, the board of trustees finds that elimination of the nonconforming use, structure and/or building would be for a legitimate public purpose, then it shall declare by resolution of the board that the township shall proceed to acquire the nonconforming use, structure and/or building in accordance with the laws of the state and applicable township ordinances. The township clerk shall send by registered mail a certified copy of the resolution of the board of trustees to the owners of property to be acquired and to owners of property in any special assessment district, at the addresses stated in the latest assessment roll.

(3) Removal of nonconformity. Upon passing of title of the property so acquired by the township, the township board of trustees shall cause the discontinuance or removal of the nonconforming use, or the removal or demolition or remodeling of the nonconforming building or structure.

(4) Disposition of property. The board of trustees may thereafter elect to retain all or part of the property so acquired for municipal purposes. If acquisition costs and expenses are to be assessed against a special assessment district, the amount to be assessed shall be reduced by the market value of any part of the property retained for municipal use, as determined by the township assessor. The board of trustees shall thereafter order the sale of the portion of the property not retained for municipal purposes, but only for use in conformance with this chapter. The board of trustees shall confirm the expenses related to the project and report the assessable cost to the township assessor, who shall then prepare an assessment roll in the manner provided for by law. Such an assessment may, at the discretion of the board of trustees, be paid in one or more, but not to exceed ten, annual installments.

(Ord. No. 147-43, § 3.004, 12-15-2003)

40-767—40-785. Reserved.

¹**State Law reference**—Nonconforming uses or structures, MCL 125.3208.

ARTICLE V. OFF-STREET PARKING AND LOADING

40-786 Off-street parking requirements.

(a) Scope of off-street parking requirements. Compliance with the off-street parking regulations shall be required as follows:

(1) General applicability. For all buildings and uses established after the effective date of the ordinance from which this chapter is derived, off-street parking shall be provided as required in this section. However, where a building permit has been issued prior to the effective date of the ordinance from which this chapter is derived and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.

(2) Change in use or intensity.

a. Whenever use of a building, structure or lot is changed, parking facilities shall be provided as required by this chapter for the new use, regardless of any variance which may have been in effect prior to change of use.

b. If the intensity of use of any building, structure or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity or through other means, additional off-street parking shall be provided for such increase in intensity of use.

(3) Existing parking facilities.

a. Off-street parking facilities in existence on the effective date of the ordinance from which this chapter is derived shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this chapter.

b. An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this chapter.

(4) Additional off-street parking. Nothing in this chapter shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by this chapter, provided that all such parking conforms with the regulations herein.

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

(1) Location.

- a. Proximity to building or use being served. Except as otherwise permitted for collective use of off-street parking, off-street parking for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building or within 300 feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking). Where required parking is located on a lot or parcel that is under different ownership from the building it serves or is not contiguous to the building site, a formal written agreement or easement assuring the continuing usage of said parking for the building must be properly drawn and executed by the parties concerned and made part of the site plan approval.
 - b. Within yards.
 1. Off-street parking in commercial and office districts may be located in a front, side or rear yard, provided that all landscaping and berm requirements in article VI of this chapter are met, and provided further that off-street parking shall not be permitted within 20 feet of a residential district boundary, nor within 20 feet of the traveled portion of any road right-of-way, unless screening is provided according to article II, division 2 of this chapter.
 2. Off-street parking in multiple-family and industrial districts may be located in a side or rear yard or a nonrequired front yard, provided that all landscaping and berm requirements in article VI of this chapter are complied with, and provided further that off-street parking serving an industrial use shall not be permitted within 20 feet of a residential district.
- (2) Residential parking.
- a. Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, carport or combination thereof, and shall be located on the premises they are intended to serve.
 - b. Commercial and recreational vehicle parking in residential districts shall comply with the standards in subsection (f) of this section.
- (3) Control of off-site parking. It shall be unlawful to park, store or offer for sale any motor vehicle or recreational vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent or trustee of said private property. Where required parking is permitted on land other than on the same lot as the building or use being served, the land on which the parking is located shall be under the same control as the lot occupied by said building or use.
- (4) Access to parking. Each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design so as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Access to off-street parking which serves a

nonresidential use shall not be permitted across land that is zoned or used for residential purposes.

(5) Collective use of off-street parking. Off-street parking for separate buildings or uses may be provided collectively subject to the following:

a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, in the case of a site plan for development within the planned development district, the planning commission may reduce the total number of required spaces by up to 20 percent upon making the determination that the parking demands of the uses will be met. In other nonresidential districts, the zoning board of appeals may modify the total number of required spaces for a use upon making the determination that the parking demands of the uses are served.

b. Each use served by collective off-street parking shall have direct access to the parking without crossing streets.

c. The collective off-street parking shall not be located farther than 500 feet from the building or use being served.

d. An easement or other formal written agreement assuring the continuing joint usage of said common parking for the combination of uses or buildings must be properly drawn and executed by the parties concerned and submitted to the township for approval. Subsequent to planning commission approval, evidence that the easement has been recorded with the county register of deeds shall be submitted to the building official prior to issuance of a certificate of occupancy.

(6) Storage and repair prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service and storage shall be permitted for a period not to exceed 48 hours.

(7) Duration. Except when land is used as permitted storage space in direct connection with a legitimate business, a 48-hour time limit for parking in nonresidential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, unlicensed or junked vehicles in any parking area in any district for any period of time.

(8) Parking structures. Parking structures shall be permitted subject to the following standards:

a. Any parking structure shall comply with the required setbacks for the district in which it is located.

b. Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.

c. The facade of the parking structure shall be compatible in design, color and type of material to the

principal building on the site.

d. Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Such landscaping shall be compatible with the overall landscape plan for the entire site.

(c) Minimum number of spaces required. The following standards shall be used in determining the required number of parking spaces when computing required parking according to the schedule of parking requirements:

(1) Definition of floor area. For the purposes of determining the required number of parking spaces, floor area shall be measured in accordance with the definitions provided in section [40-3](#)

(2) Measurement.

a. Fractional spaces. When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one full space.

b. Employee parking. Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.

(3) Uses not cited. For those uses not specifically mentioned, the requirements for off-street parking for the most similar use stated shall be determined by the zoning administrator.

(4) Parking during construction. Temporary off-street parking shall be provided for workers during construction at a rate of one space per employee. Temporary gravel surfacing may be permitted for such temporary parking. Temporary parking areas must be abandoned and returned to an acceptable state prior to the issuance of a certificate of occupancy.

(5) Use of loading space. Required loading space shall not be counted or used for parking requirements.

(6) Modification of minimum requirements. In the case of a site plan for development within the planned development district, the planning commission may modify a numerical standard for off-street parking. In other nonresidential districts, the zoning board of appeals may reduce a standard for a particular site, based upon evidence that another standard would be more reasonable considering the level of current or future employment and/or level of current or future customer traffic.

(7) Cumulative nature of parking requirements. If two or more uses share a common parking area, or if approved multiple uses exist within a single building or site, the required minimum requirement shall be the sum of the required spaces for each individual use.

(8) Minimum number of spaces for each use. The amount of required off-street parking spaces shall be determined in accordance with the schedule that follows along with the accommodation for barrier-free parking spaces as stated in subsection (d) of this section.

(9) Schedule of parking requirements. The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule:

RESIDENTIAL	
Single- and two-family dwellings	2.0 spaces per dwelling unit
Multiple-family dwellings	1.5 space per each efficiency or one bedroom dwelling unit; 2.0 spaces per each unit with two bedrooms; 2.5 spaces for each unit with three or more bedrooms
Mobile/manufactured homes in a mobile home/manufactured housing park	2.0 spaces per each manufactured/mobile home unit or site plus one space for visitors for every three units
HOUSING FOR THE ELDERLY	
Senior apartments and elderly housing complexes	1.5 spaces per unit
Senior "interim care" and "intermediate care" units, retirement villages, etc.	1.0 space per each room or two beds, whichever is less, plus 1.0 space per each employee expected during the peak shift
Congregate care and dependent care (convalescent/nursing home units)	1.0 space per each three beds or two rooms, whichever is less, up to 120 beds, plus 3.00 spaces for each bed over 120; plus 1.0 space for each employee during peak shift
INSTITUTIONAL	
Churches, places of worship	1.0 space per each three seats or six feet of pews
Municipal office buildings	4.0 spaces for each 1,000 sq. ft. of gross floor area
Community centers (incl. senior centers and teenage centers)	1.0 space for each 100 sq. ft. of gross floor area
Public libraries	1.0 space for each 350 sq. ft. of gross floor

	area
Child care or day care centers	2.0 spaces plus 1.0 additional space for each eight children of licensed authorized capacity, plus adequate drop-off area
Group day care homes, adult foster care group homes, adult congregate care facilities	1.0 space per four clients plus 1.0 space per each employee plus designated drop-off spaces
Hospitals	1.75 spaces per inpatient bed plus 1.0 space per each 175 gross square feet of hospital related office, research and administrative space. Other uses shall be computed separately
Primary schools (elementary and junior high schools)	1.0 space per each instructor, plus 1.0 space per each employee and administrative employee, plus drop-off areas for school buses, plus spaces required for any assembly hall, auditorium and/or outdoor arena
Secondary (high) schools, commercial schools, colleges	1.0 per each instructor, plus 2.0 per each employee and administrative administrator, plus 5.0 spaces per classroom, plus drop-off areas for school buses, plus additional parking spaces required for any assembly hall, auditorium or outdoor arena
Auditorium, assembly halls and outdoor arenas	1.0 space per each three seats or six lineal feet of bleachers
Public recreation centers	1.0 spaces for each 200 sq. ft. of gross floor area
Dance and union halls, fraternal orders, civic clubs and similar uses	1.0 space per every two persons under capacity authorized by the state construction code
OFFICE	
Medical/dental clinic/office	1.0 spaces per 175 sq. ft. of gross floor area
Medical clinic: outpatient center, 24	2.0 spaces per exam and/or outpatient

hour urgent care centers, etc.	procedure/operating room, plus care areas, 1.0 space per laboratory or recovery room, plus 1.0 space for each two rooms for employee parking
General office building	1.0 space for each 300 sq. ft. of gross floor area
Branch bank, credit union or savings and loan	1.0 space for each 200 sq. ft. of gross floor area, plus 2.0 spaces per each 24 hour teller, plus 4.0 stacking spaces per each drive through window
COMMERCIAL/RETAIL/SERVICE	
Appliance store	1.0 space per 250 sq. ft. gross usable floor area
Auto fuelling station	2.0 spaces per each service bay (pump island), plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 1.0 space for each 500 sq. ft. devoted to sales of automotive goods or convenience items
Automobile service center or auto repair center	3.0 spaces for employees, plus 2.0 for each lubrication stall, rack, pit, or similar service area, plus 2.0 waiting spaces for each service bay
Automobile or vehicle dealership	1.0 space for each 400 square feet of interior sales space plus 1.0 space per each 200 square feet of exterior display, plus three spaces per service bay
Automobile wash	2.0 spaces, plus 1.0 designated space per each employee on peak shift, plus 12 stacking spaces per bay for a fully automatic car wash, 15 for a semi-automatic (motorist must leave auto) or 2.0 stacking spaces per bay for a self-service car wash
Barbershop/beauty parlor/day spa	2.5 spaces per each chair and/or station
Bookstores	1.0 spaces for each 150 sq. ft. of gross useable area

Conference rooms, exhibit halls and similar uses	1.0 space per every two persons of capacity authorized by the state construction code, or 1.0 space per 100 sq. ft. gross floor area, whichever is greater
Convenience store, with or without gasoline service	1.0 space for each 175 sq. ft. of gross useable floor area, plus required spaces required for any auto service station activity or gasoline filling station area
Dry cleaners	1.0 space for each 50 sq. ft. of gross useable floor area
Funeral homes	1.0 space for each 50 sq. ft. of service parlors, chapels and reception area, plus 1.0 space for each funeral vehicle stored on premises
Furniture/carpet store	1.0 spaces for each 500 sq. ft. of gross useable floor area
General retail business (under 40,000 sq. ft. gross useable area)	1.0 space for each 200 sq. ft. of gross useable floor area
Retail centers (single user over 40,000 sq. ft. of gross useable area)	1.0 space for each 175 sq. ft. of gross useable floor area
Laundromat	1.0 space per each two washing machines
Mini or self storage warehouse	1.0 space per each 5.0 units
Motel/hotel with lounge, restaurant and conference or banquet rooms	1.0 space per guest room, plus 1.0 space per 100 sq. ft. of lounge, restaurant, conference or banquet rooms or exhibit space
Motel with restaurant/lounge	1.0 space per guest room, plus 1.0 space for each 75 sq. ft. of restaurant/lounge space
Motel without restaurant/lounge; bed and breakfast inn	1.0 space per guest room, plus 2 spaces
Outdoor sales, display	1.0 space for each 800 sq. ft. of such area
Recreational vehicle, boat, mobile home and similar sales	1.0 space for each 800 sq. ft. of gross useable floor area, plus 2.0 spaces per

	each vehicle sales service bay
Restaurant–Standard with liquor license	1.0 space for each 50 sq. ft. of gross useable floor area, or 0.6 spaces per seat, whichever is greater
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic liquors)	1.0 space for each 40 square feet of usable floor area
Restaurant–Standard (without a bar or lounge area)	1.0 space per 75 sq. ft. of gross useable floor area or 0.5 space per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms
Restaurant–Drive-through	1.0 space for each 45 sq. ft. of usable floor area, plus 5.0 spaces between the pick-up window and the order station, plus 10.0 stacking spaces which do not conflict with access to required parking spaces per order pick-up station, plus spaces for employees of a peak shift plus at least 2.0 longer spaces designated for recreational vehicles and semi-trucks if site is within 1/2 mile of expressway
Restaurant–Carry-out (less than six tables and/or booths)	6.0 spaces plus 1.0 space for each employee on peak shift
Shopping center	1.0 space for each 200 sq. ft. of gross useable floor area, plus any spaces required for supermarket or bookstore, if included
Supermarket	1.0 space for each 175 sq. ft. of gross useable floor area
Video rental establishments	1.0 space per 100 sq. ft. leasable floor area, with a minimum of 8.0 spaces provided
Wholesale establishments	1.0 space per each 500 sq. ft. of gross floor area
RECREATION/ENTERTAINMENT	

Batting cages	3.0 spaces per cage
Bowling centers	5.0 spaces per lane plus 25 percent of the required parking for any lounge
Commercial outdoor recreation centers	1.0 space per 200 sq. ft. gross floor area
Golf course driving range	2.0 spaces per each three tees
Golf course, miniature	1.0 space per each course hole
Golf course, par three	3.0 spaces per each course hole
Golf course/country club	6.0 spaces per each course hole
Golf course banquet hall/lounge	0.5 space per seat, less spaces required for golf course
Health fitness centers without swimming pool	1.0 space for each 200 sq. ft. of gross useable floor space
Ice/roller skating rink	1.0 spaces for each 175 sq. ft. of gross useable area
Swimming pool	1.0 space per each three persons of capacity authorized by the state construction code
Theater, cinema	1.0 space per each four seats, plus 4.0 spaces per screen or stage
Racquetball/tennis centers	1.0 space for each 1,000 sq. ft. of gross floor area or 6.0 spaces per court, whichever is greater
Video arcades	1.0 space for each 50 sq. ft. of gross useable floor area, with a minimum of 6.0 spaces required
INDUSTRIAL	
Light industrial, manufacturing, testing labs, research and development centers	1.0 space for each 500 sq. ft. of gross floor area or 1.2 spaces per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle, plus parking required for any sales area or office
Warehousing	1.0 space per each 1,500 sq. ft. gross floor area or 1.0 space per employee at peak shift, whichever is greater, plus 1.0 space

	for each corporate vehicle (separate standard provided for mini-storage)
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(d) Barrier free parking requirements.

(1) General requirements. Within each parking lot, signed and marked barrier free spaces measuring 12 feet in width shall be provided at a convenient location, in accordance with the following table unless other dimensions are required by the state. Van space may be provided with an 11-foot wide parking space and a six-foot wide loading area between spaces.

(2) Numerical requirements. Barrier free parking space requirements shall be in accordance with the standards as published by the state department of labor and economic growth, construction code commission, barrier free design division.

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

(1) Review and approval requirements.

a. Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the zoning administrator for review and approval prior to the start of construction. Upon completion of construction, a parking lot must be inspected and approved by the township building official and/or the township engineer before a certificate of occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

b. Plans shall be prepared at a scale of not less than 50 feet equal to one inch. Plans shall include typical pavement cross-sections and indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards formally established by the township board of trustees.

c. In the event that required parking cannot be constructed because of cold or inclement weather, a temporary certificate of occupancy may be issued by the building official, provided the applicant first deposits a performance guarantee in accordance with section [40-82](#)

(2) Dimensions.

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

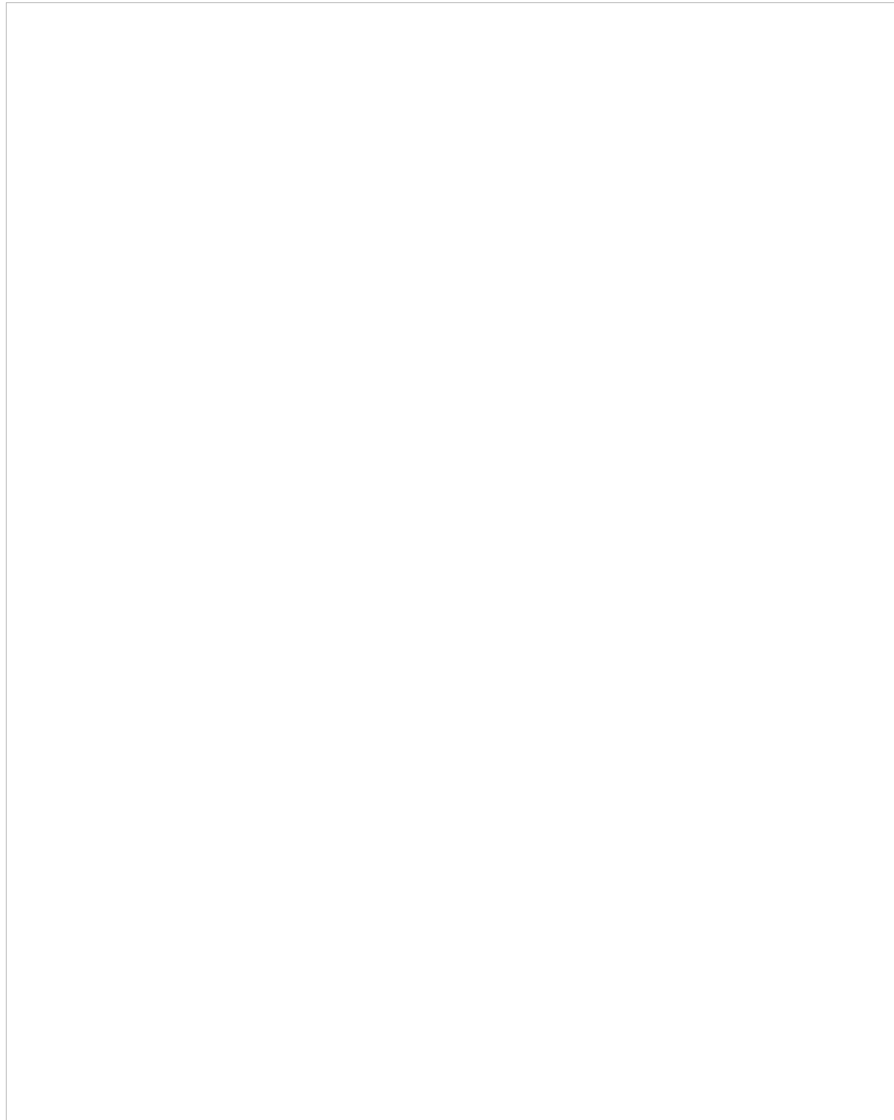
OFF-STREET PARKING SPACE STANDARDS

Angle	Minimum maneuvering aisle width	Minimum parking space width	Minimum stall depth to wall	Minimum width of one stall plus maneuvering lane	Minimum width of two stalls of parking plus maneuvering aisle
0° (parallel)	12.0	23.0	8.0	20.0	28.01
Two-way Aisle	20.0	9.0	20.0	41.0	62.01
Up to 53°	12.0	9.0	20.0	32.0	52.02
54° to 74°	15.0	9.0	20.0	35.0	55.02
75° to 90°	20.0	9.0	20.0	41.0	62.0

Footnotes:

¹ Parallel spaces shall provide a three foot marked maneuvering area between stalls.

² Limited to one-way access aisles.



PARKING LOT LAYOUTS

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

DRIVEWAY WIDTH STANDARDS

Residential

	Single-family	Multiple-family	Commercial	Industrial
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Normal

width:

One-way	9 feet	15 feet	15 feet	20 feet
Two-way	N.A.	24 feet ¹	24 feet ¹	31 feet ¹

¹ Main access driveways and internal circulation routes used by trucks shall be 31 feet in width.

(3) Stacking spaces. Stacking spaces shall be provided as required in the schedule of off-street parking. Stacking spaces shall be a minimum of ten feet wide and 20 feet in length, shall not extend into any public right-of-way or private access easement, and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.

(4) Ingress and egress. All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least 20 feet from the nearest point of any property zoned for single-family residential use.

(5) Surfacing and drainage.

a. Grading, surfacing and drainage plans shall comply with township engineering standards and shall be subject to review and approval by the township engineer. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material.

b. Off-street parking areas, access lanes and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

(6) Curbs and wheel chocks. A curb of at least six inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two feet of abutting landscaped areas, sidewalks, streets, buildings or adjoining property. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines. A freeway type guardrail is prohibited from use in lieu of curbs or wheel chocks.

(7) Lighting. All parking areas, driveways and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas. All lighting shall be confined within and directed onto the parking area only.

(8) Buildings. No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/attendant shelter, which shall not be more than 50 square feet in area and not more than 15 feet in height.

(9) *Signs.* Accessory directional signs shall be permitted in parking areas in accordance with township sign regulations in article X of this chapter. The planning commission, upon review and recommendation of the public safety official, may require the posting of traffic control signs as it deems necessary to promote vehicular and pedestrian traffic.

(10) *Screening and landscaping.* All off-street parking areas, except those serving single- and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in article VI of this chapter.

(11) *Striping.* To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped. Except for parallel parking spaces, each stall shall be delineated with four-inch-wide lines. The width of the parking stall is computed from the centers of the striping.

(12) *Maintenance.* All parking areas shall be maintained free of dust, trash and debris. Surfacing, curbing, lighting fixtures, signage, lane marking, space striping and related appurtenances shall be maintained in good condition.

(f) *Commercial and recreational vehicle parking.*

(1) *Commercial vehicle parking.* The parking of commercial vehicles and trailers shall be regulated as listed below:

a. *Motorized vehicles.* No more than one commercial vehicle, with a rated capacity not to exceed a Class 4 rating with a gross vehicle weight not to exceed 16,000 pounds, if it is the sole means of transportation to and from work for one or more of the permanent residents and no more than one personal vehicle with a commercial wrap or other commercial advertising, may be parked on a residential lot. The vehicle must not be a tank type of vehicle, such as a septic tank pumper or hauler, or other vehicle that carries trash, flammable or toxic materials, or other vehicle deemed similar by the zoning administrator. A tow truck, wrecker or other similar vehicle may only be allowed if not in service with a vehicle in tow or carry. Vehicles used during normal business hours for service or construction may be parked on site, provided they comply with all health, safety and welfare concerns of the fire, police, road commission, DPW, zoning and planning departments.

b. *Nonmotorized.* No more than one commercial utility or other trailer, with advertising or being used for business purposes, shall be stored outside unless otherwise permitted by ordinance. Any such trailer shall be counted as one of four allowed recreational vehicles or trailers permitted on a residential lot and shall comply with the regulations listed in this chapter, including parking as required for recreational vehicles.

(2) *Recreational vehicle parking.* Recreational vehicles, units, trailers and other similar vehicles or

equipment, as defined in this chapter, may be parked or stored by the owner on residentially used property, with a principal residence, subject to the following conditions:

- a. *Connection to utilities.* Recreational vehicles parked or stored shall not be connected to gas or sanitary sewer facilities.
- b. *Use as living quarters.* Except as temporarily permitted in this chapter by the issuance of a zoning permit, at no time shall recreational vehicles;
 1. Be parked or stored in residential zoning districts to be used for living or housekeeping purposes, except in compliance with this chapter.
 2. Be parked or stored in other than residential zoning districts to be used for living or housekeeping purposes, except as allowed in approved campground or RV facilities.
- c. *Location.* Recreational vehicles, units and trailers, not parked in a garage, shall be parked or stored entirely in the rear or side yard, but not less than three feet from an exterior residential wall and one foot to a side or rear property line which abuts a residential use. On a corner lot, recreational vehicles, units and trailers may not be parked in a front yard setback as defined in this chapter.
- d. *Temporary parking.* Notwithstanding the regulations concerning location, recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours, excluding Saturday and Sunday.
- e. *Lot coverage and number of vehicles.* Recreational vehicles, units or trailers stored outside of completely enclosed detached accessory structures may not occupy more than 20 percent of the existing or required rear yard and must also comply with the following:
 1. No more than a total of four individually parked or stored recreational vehicles, units or trailers with multiple recreational units, for use by the occupants of the residence, may be stored outside at any one time.
- f. *Condition.* Recreational vehicles, units and trailers parked or stored outside must be kept in good repair. Vehicles must be capable of being drawn or moved from place to place under their own power as designed and must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit and, if required, have a current state license attached.
- g. *Storage of mobile homes.* The parking or storage of a mobile home as defined in this chapter, being designed as a permanent structure for residential occupancy, is prohibited, except as allowed as the principal residence on a residential property on a permanent foundation or as may be permitted in

an approved mobile home park.

h. *Waiver of regulations.* The provisions concerning connection to utilities and use as living quarters and its location may be waived for up to two two-week periods, to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Any such waiver shall be obtained by submitting a zoning permit, subject to the review and approval of the zoning administrator and the fire department for the safety, health and welfare of the township residents.

i. *Multiple-family complexes and mobile home parks.* The planning commission may require that a screened storage area be provided on the site of a multiple-family complex or mobile home park for parking and storage of recreational vehicles.

(3) *Vehicle storage and repair prohibited.* The following are prohibited and/or regulated in all districts as follows:

a. *Inoperable or unlicensed vehicles.* The outside storage of an inoperable or unlicensed motor vehicle as defined in the state vehicle code, unless specifically authorized for storage by the planning commission.

b. *Storage.* The outside storage of any utility trailer, or other recreational vehicle as defined in this chapter, except in compliance with the other requirements of this chapter or as allowed elsewhere in this chapter, or as approved by the planning commission.

c. *Repair or maintenance.* Vehicles maintained or repaired on or at a residence must be registered to the owner or occupant of the property. All maintenance or repairs in excess of 48 hours, excluding Saturday and Sunday, must be conducted entirely within an enclosed garage or other enclosed structure approved for such purpose by the township.

d. *Vacant property.* The outside storage of any utility trailer, or other recreational vehicle, as defined in this chapter on any vacant parcel of property.

e. *Vehicles for sale.* Only one vehicle may be allowed to be displayed for sale at any time, for a period of up to a month, in the front yard setback of a legally occupied principal residence, by the owner or occupant of the property and must display valid contact information and be promptly removed if sold or if the required information cannot be verified by the code enforcement officer with the owner or occupant of the property.

(Ord. No. 147-43, § 4.001, 12-15-2003; Ord. No. 240, 6-19-2017)

40-787 Loading space requirements.

(a) *Scope of loading space requirements.* Compliance with the loading space regulations set forth herein shall be

required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks and other public areas.

(1) *General applicability.* On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments and other uses involving the receipt or distribution of materials, merchandise or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this section.

(2) *Change in use or intensity.* Whenever use of a building, structure or lot is changed, loading space shall be provided as required by this chapter for the new use, regardless of any variance which may have been in effect prior to change of use.

(b) General requirements.

(1) *Location.* Required loading space shall be located to the rear or side of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with vehicular traffic circulation on streets, alleys or within off-street parking areas and shall not be placed in required fire lanes.

(2) *Dimensions.* Unless otherwise specified, each required loading space shall be a minimum of ten feet in width and 40 feet in length.

(3) *Surfacing and drainage.* Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material and shall be graded and drained so as to dispose of surface waters. Grading, surfacing and drainage plans shall be subject to review and approval by the township engineer. Surface water shall not be permitted to drain onto adjoining property, a public easement, a public right-of-way or into any public system, except in accordance with a recommendation by the township engineer.

(4) *Storage and repair prohibited.* The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles or repair of vehicles is prohibited in required loading space.

(5) *Use of loading space.* A required loading space shall be dedicated to loading and unloading purposes and shall not be counted or used for required parking.

(6) *Central loading.* Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:

- a. Each business served shall have direct access to the central loading area without crossing a public street or alley.

b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.

c. No building served shall be more than 300 feet from the central loading area.

(7) Minimum loading space. The amount of required loading space shall be determined in accordance with the schedule which follows this subsection. In a planned development district, the planning commission may modify the minimum requirements. In other districts, the zoning board of appeals may reduce or modify the standards upon making the determination that another standard would be more appropriate considering of the number or type of deliveries expected or experienced for a particular use or site.

SCHEDULE OF LOADING SPACE REQUIREMENTS

Gross floor area	Number of loading spaces
1–3,000 square feet	None subject to note (a)
3,001–20,000 square feet	1 space
20,001–100,000 square feet	1 space, plus 1 space for each 20,000 square feet in excess of 20,001 square feet to 100,000 square feet
100,001 and over	5 spaces, plus 1 space for each 50,000 square feet. in excess of 100,000 square feet

Footnote:

(a) Establishments containing less than 3,000 square feet of gross floor area shall provide an off-street loading area that is accessible by motor vehicles and that does not interfere with pedestrian or vehicular traffic. The size and location of any such loading area shall be based on the types of delivery vehicles typically utilized by the establishment.

(Ord. No. 147-43, § 4.002, 12-15-2003)

40-788—40-812. Reserved.

ARTICLE VI. LANDSCAPING AND WALLS

40-813. Intent and scope of requirements.

(a) Intent. Landscaping enhances the visual image of the township, improving property values and alleviating the impact of noise, traffic and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses.

Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, greenbelts and screening, and for the protection and enhancement of the township's environment. More specifically, the intent of these provisions is to:

- (1) Improve the appearance of off-street parking areas, vehicular use areas and property abutting public rights-of-way; and
- (2) Protect and preserve the appearance, character and value of the neighborhoods which abut nonresidential areas, parking areas and other intensive use areas, thereby protecting the public health, safety and welfare.

(b) Scope of application. No site plan shall be approved unless it shows landscaping consistent with the requirements of this article. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in section [40-82](#)

(c) Minimum requirements. The requirements in this article are minimum requirements, and under no circumstances shall they preclude the developer and the township from agreeing to more extensive landscaping.

(d) Design creativity. Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform distances, at random or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the township to coordinate landscaping on adjoining properties.

(Ord. No. 147-43, § 5.001, 12-15-2003)

40-814. General landscaping requirements.

(a) General site requirements. All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms or screening are required:

- (1) All unpaved portions of the site shall be planted with grass, ground cover, shrubbery or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all nonresidential uses shall be planted with sod.

(2) A mixture of evergreen and deciduous trees shall be planted on the unpaved open portions of nonresidential parcels where specific landscaping requirements do not appear later in this article. The total number of trees required shall be determined at the time of site plan review, based on the overall appearance of the site and the amount of landscaping provided elsewhere on the site. Required trees may be planted at uniform distances, at random or in groupings.

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

(1) Minimum requirements. Where required, landscaping adjacent to a road or road right-of-way shall consist of a landscaped area with a minimum depth of ten feet, which shall be located on private property contiguous to the road right-of-way, excluding openings for driveways and sidewalks. Through lots and corner lots shall provide such landscaping along all adjacent road rights-of-way. The planning commission may permit all or a portion of the landscaped area to be located within the road right-of-way or elsewhere within the front setback area, provided that the planning commission finds that the following conditions exist:

- a. Such relocation of the landscaped area is consistent with the intent of this section.
- b. Relocation of the landscaped area is justified because of the physical characteristics of the site, the location of existing easements, sidewalks or landscaping, the configuration of existing parking, the need to maintain emergency vehicle access, or because of other public health or safety concerns.
- c. Such relocation of the landscaped area will not result in less landscaped area than would be required if the landscaped area had been located on private property contiguous to the road right-of-way.
- d. Such relocation of the landscaped area will not jeopardize traffic safety or the general planning of the township.
- e. Any relocation into a public road right-of-way or easement shall have county road commission approval.

(2) Required plantings. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform distances, at random or in groupings.

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

Shrubs 6 per 40 lineal feet of
road frontage

(3) Location.

a. Where planted, trees shall comply with the following minimum setbacks, as measured from the center of the tree:

1. Setback from edge of road: ten feet.
2. Setback from fire hydrant: five feet.
3. Setback from vehicular access way or sidewalk: five feet.

b. When planted, shrubs shall comply with the following minimum setbacks, as measured from the edge of the shrub:

1. Setback from edge of road: five feet.
2. Setback from fire hydrant: five feet.

(c) Berms. Where required, berms shall conform to the following standards:

(1) Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or first ground adjacent to the berm, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal (33 percent slope), with at least a two-foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three feet.

(2) Protection from erosion Any required berm shall be planted with sod, ground cover or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the planning commission.

(3) Required plantings.

a. Berms located in the front yard of nonresidential parcels. Berms located in the front yard of nonresidential parcels shall be landscaped in accordance with the requirements for landscaping adjacent to roads, subsection (b) of this section.

b. Berms used for screening other than in the front yard. Berms used for screening other than in the

front yard shall be landscaped in accordance with the requirements for screening, subsection (e) of this section.

(4) Measurement of berm length. For the purpose of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

(d) Greenbelts. Where required, greenbelts shall conform to the following standards:

(1) Measurement of greenbelt length. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

(2) General planting requirements.

a. Grass or ground cover requirements. Grass, ground cover or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.

b. Tree and shrub requirements. Except where the greenbelt is used for screening, a minimum of one deciduous or evergreen tree shall be planted for each 40 lineal feet or portion thereof of required greenbelt or, alternatively, eight shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform distances, at random or in groupings.

c. Distance from sidewalk. Plant materials shall not be placed closer than four feet from the right-of-way line where the greenbelt abuts a public sidewalk.

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

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

(e) Screening.

(1) General screening requirements. Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings (i.e., no farther than 15 feet apart) which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within three years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year.

(2) Screening of equipment. All mechanical equipment, satellite dish antennas and similar equipment shall be screened on at least three sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six inches within two years of planting.

(f) Parking lot landscaping. In addition to required screening, all off-street parking areas shall also provide landscaping as follows:

(1) Landscaping ratio. Off-street parking areas containing greater than 15 spaces shall be provided with at least ten square feet of interior landscaping per parking space. The amount of parking lot landscaping may be decreased to seven square feet per parking space where a berm is constructed to screen the parking from the road in accordance with subsection (c) of this section. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the parking area.

(2) Minimum area. Landscaped areas in parking lots shall be no less than five feet in any single dimension and no less than 150 square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

(3) Other landscaping. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

(4) Required plantings. Requirements for plant material shall be based on the location, size and shape of the parking lot landscaped area. A minimum of one tree shall be planted per 300 square feet or fraction thereof of interior landscaped area. At least 50 percent of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover or trees. Plantings within parking lots shall comply with the requirements for unobstructed site distance set forth in section [40-665\(4\)](#). The landscape plan shall indicate the types, sizes and quantities of plant material proposed for such area.

(g) Landscaping of rights-of-way. Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. Trees and shrubs shall not be planted in the road right-of-way without first obtaining approval from the agency that has jurisdiction over the road and shall be planted no closer to the edge of the road pavement than the distances specified in the following chart:

Setback

Trees	10 feet (measured from center of tree)
Shrubs	5 feet (measured from perimeter of shrub)

(h) Maintenance of unobstructed visibility for drivers. No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with

the provisions concerning unobstructed sight distance set forth in section [40-665\(4\)](#).

(i) Potential damage to utilities and public facilities. In no case shall landscaping material be planted in a way which will interfere with or cause damage to underground utility lines, public roads or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers or other utilities shall not be planted closer than 15 feet from any such roadways, sewers or utilities. Trees shall be setback from overhead utility lines as indicated in the following chart:

Minimum distance from center of trunk to nearest utility line	Tree height (feet)
Up to 15 feet	10
15 to 25 feet	20
Over 25 feet	30

(j) Landscaping of divider medians. Where traffic on driveways, maneuvering lanes, private roads or similar vehicle access ways are separated by a divider median, the median shall be curbed and have a minimum width of ten feet. A minimum of one deciduous or evergreen tree shall be planted for each 30 lineal feet or portion thereof of median. Trees may be planted at uniform distances, at random or in groupings, but in no instance shall the center-to-center distance between trees exceed 60 feet.

(k) Irrigation. The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in front yards.

(Ord. No. 147-43, § 5.002, 12-15-2003)

40-815. Specific landscaping requirements for zoning districts.

(a) Requirements for commercial, office and industrial districts. All lots or parcels of land located in office, commercial or industrial zoning districts shall comply with the following landscaping requirements:

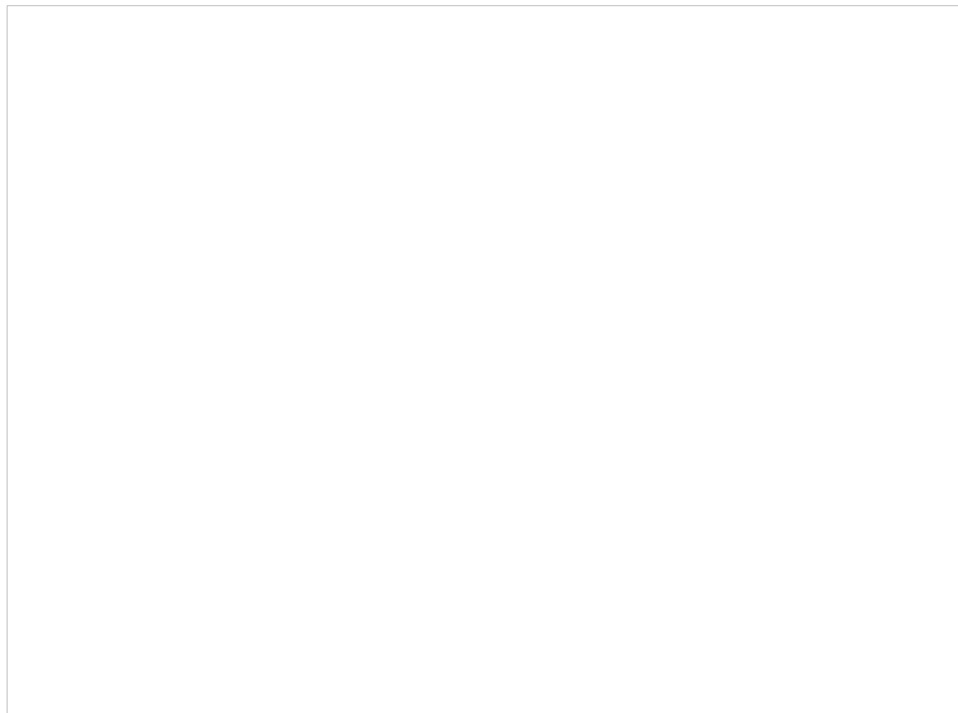
- (1) General site landscaping. At least six percent of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in section [40-814\(a\)](#), except where specific landscape elements are required.
- (2) Landscaping adjacent to road or road right-of-way. All commercial, office and industrial developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in section [40-814\(b\)](#).

(3) Berm requirements. A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height and shall be planted in accordance with section [40-814\(b\)](#). The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with section [40-814\(f\)](#).

(4) Screening. Landscaped screening or a wall shall be required wherever a nonresidential use in a commercial, office or industrial district abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in section [40-814\(e\)](#). If a wall is used instead of landscaping, the wall shall comply with the requirements in section [40-820](#)

(5) Parking lot landscaping. Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in section [40-814\(f\)](#).

(6) Privacy screen. Where multiple-family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see illustration). The screen may consist of a combination of trees, shrubs and berming, subject to review by the planning commission.



PRIVACY SCREEN

(b) Requirements for nonresidential uses in residential districts. All nonresidential uses developed in residential zoning districts shall comply with the following landscaping requirements:

- (1) General site landscaping. At least ten percent of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in section [40-814\(a\)](#), except where specific landscape elements are required.
- (2) Landscaping adjacent to road or road right-of-way. All nonresidential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road or road right-of-way in section [40-814\(b\)](#).
- (3) Berm requirements. A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height and shall be planted in accordance with section [40-814\(b\)](#). The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with section [40-814\(f\)](#).
- (4) Screening. Landscaped screening or a wall shall be required wherever a nonresidential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in section [40-814\(e\)](#).
- (5) Parking lot landscaping. Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in section [40-814\(f\)](#).

(Ord. No. 147-43, § 5.003, 12-15-2003)

40-816. Standards for landscape materials.

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

- (1) Plant quality. Plant materials used in compliance with the provisions of this chapter shall be nursery grown, free of pests and diseases, hardy in the county, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.
- (2) Nonliving plant material. Plastic and other nonliving plant materials shall not be considered acceptable to meet the landscaping requirements of this chapter. Water bodies, boulder groupings, landscape furniture and manmade landscape ornaments, singly or in combination, shall not account for more than 30 percent of the ground area to be landscaped.
- (3) Plant material specifications. The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this chapter:
 - a. Deciduous shade trees. Deciduous shade trees shall be a minimum of 2½ inches in caliper measured 12 inches above grade with the first branch a minimum of four feet above grade when

planted.

- b. Deciduous ornamental trees. Deciduous ornamental trees shall be a minimum of 1½ inches in caliper measured six inches above grade with a minimum height of four feet above grade when planted.
- c. Evergreen trees. Evergreen trees shall be a minimum of five feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of 2½ feet, and the size of the burlapped root ball shall be at least ten times the caliper measured six inches above grade.
- d. Shrubs. Shrubs shall be a minimum of two feet in height when planted. Low growing shrubs shall have a minimum spread of 24 inches when planted.
- e. Hedges. Hedges shall be planted and maintained so as to form a continuous, unbroken visual screen within two years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two feet in height when planted.
- f. Vines. Vines shall be a minimum of 30 inches in length after one growing season.
- g. Ground cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.
- h. Grass. Grass area shall be planted using species normally grown as permanent lawns in the county. Grass, sod and seed shall be clean and free of weeds, pests and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.
- i. Mulch. Mulch used around trees, shrubs and vines shall be a minimum of three inches deep, and installed in a manner as to present a finished appearance.
- j. Undesirable plant material. Use of the following plant materials (or their clones or cultivars) is not encouraged because of susceptibility to storm drainage, disease and other undesirable characteristics. Additional undesirable plant materials may be identified, a list of which shall be maintained by the zoning administrator.

1. Box elder.
2. American elm.

3. Tree of heaven.
4. European barberry.
5. Northern catalpa.
6. Poplar.
7. Willow.
8. Silver maple.
9. Horse chestnut (nut bearing).

(Ord. No. 147-43, § 5.004, 12-15-2003)

40-817. Installation and maintenance.

The following standards shall be observed where installation and maintenance of landscape materials are required:

- (1) Installation. Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges and vines shall be generously mulched at the time of planting.

SUMMARY OF PLANT MATERIAL SPECIFICATIONS

1

	Minimum caliper	Minimum height	Minimum spread	Minimum length
Deciduous trees	2½ inches ²	4 feet first branch	—	—
Ornamental trees	1½ inches ³	4 feet first branch	—	—
Evergreen trees	—	5 feet	2½ feet	—
Shrubs	—	2 feet	2 feet	—
Hedges	—	2 feet	—	—



Footnotes:

¹ See section [40-816](#) for detailed requirements.

² Measured 12 inches above grade.

³ Measured six inches above grade.

(2) Protection from vehicles. Landscaping shall be protected from vehicles through use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt and other hazards.

(3) Off-season planting requirements. If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with section [40-82](#)

(4) Maintenance.

a. Landscaping required by this chapter shall be maintained in a healthy, neat and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the building official, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

b. All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within 300 feet of all plant material to be established and maintained. Trees, shrubs and other plantings and lawn areas shall be watered regularly throughout the growing season.

c. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated or damaged landscape elements shall be repaired, replaced or removed upon notice from the building official.

(Ord. No. 147-43, § 5.005, 12-15-2003)

40-818. Treatment of existing plant material.

The following regulations shall apply to existing plant material:

- (1) Consideration of existing elements in the landscape design.
 - a. In instances where healthy plant material exists on a site prior to its development, the planning commission may permit substitution of such plant material in place of the requirements set forth previously in this section, provided such substitution is in keeping with the spirit and intent of this article and this chapter in general.
 - b. Existing hedges, berms, walls or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this section.

- (2) Preservation of existing plant material.
 - a. Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are five inches or greater in caliper, measured 12 inches above grade.
 - b. Trees shall be labeled "To be removed" or "To be saved" on the site plan. If existing plant material is labeled "To be saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.
 - c. In the event that healthy plant materials which are intended to meet the requirements of this chapter are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the zoning administrator based on consideration of the site and building configuration, available planting space, and similar considerations:

CALIPER MEASURED 12 INCHES ABOVE GRADE

Damaged tree	Replacement tree	Replacement ratio
Less than 6 inches	2½ to 3 inches	1 for 1
More than 6 inches	2½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

(Ord. No. 147-43, § 5.006, 12-15-2003)

40-819. Modifications to landscape requirements.

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the planning commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this article and this chapter in general. In determining whether a modification is appropriate, the planning commission shall consider whether the following conditions exist:

- (1) The public benefit intended by the landscape regulations could be better-achieved with a plan that varies from the strict requirements of this chapter; and
- (2)
 - a. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design; or
 - b. Parking, vehicular circulation or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

(Ord. No. 147-43, § 5.007, 12-15-2003)

40-820. Obscuring wall standards.

Where permitted or required by this chapter, obscuring walls shall be subject to the following requirements:

- (1) Location; exception. Required obscuring walls shall be placed inside and adjacent to the lot line except in the following instances:
 - a. Where underground utilities interfere with placement of the wall at the property line, the wall shall be placed on the utility easement line located nearest the property line.
 - b. Subject to planning commission approval, required walls in a nonresidential district may be located on the side of an alley right-of-way closest to the adjacent residential zone when mutually agreed upon by affected property owners and residents. The continuity of the required wall shall be considered by the planning commission in reviewing such requests.
 - c. Walls shall not extend closer to the front lot line than the required front setback.
- (2) Corner clearance. Obscuring walls shall comply with the specifications for maintenance of unobstructed sight distance for drivers, section [40-665\(4\)](#).
- (3) Substitution or waiver.

a. As a substitute for a required obscuring wall, the planning commission may, in its review of the site plan, approve the use of other existing or proposed living or manmade landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability and permanence. Any such substitute screening shall comply with the applicable requirements in sections [40-665\(4\)](#) and [40-814](#)

b. If a fence is approved by the planning commission as a suitable substitute for a required obscuring wall, the fence shall be constructed of redwood, cedar or No. 1 pressure-treated wood. Chainlink fences with obscuring slats may be permitted for screening purposes by the planning commission; however, the property owner shall maintain the slats in good condition at all times.

c. The zoning board of appeals may waive the requirements for an obscuring wall upon making the determination that:

1. The adjoining residential district is in transition and will become nonresidential in the future; or
2. Existing physical features provide adequate screening.

(4) Wall specifications. Required walls shall be construed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block or poured concrete with simulated brick or stone patterns. Alternately, walls may be constructed of pre-cast steel-reinforced panels, anchored in place by steel I-beam columns, provided that the pre-cast panels have a simulated brick or stone pattern that is compatible with the architecture of the principal structure.

(5) Wall requirements. For the uses and districts listed below, an obscuring wall shall be provided as specified along property lines that abut a residential district, except where landscaped screening is permitted by the planning commission as screening in lieu of a wall per the requirements stated in section [40-814\(e\)](#):

Proposed use or district	Wall height requirements
Off-street parking	4.5 feet
Office uses or districts	4.5 feet
Multiple family uses or districts adjacent to single	4.5 feet

family districts
 Commercial uses 6.0 feet
 or districts
 Industrial uses or 6-foot minimum, up
 districts to 8 feet to
 completely screen
 storage, loading, and
 service areas
 Utility buildings, 6.0 feet
 substations
 Service and 6.0 feet
 delivery areas

(Ord. No. 147-43, § 5.008, 12-15-2003)

40-821. Walls in residential districts.

(a) General standards. Walls shall be permitted in residential districts, subject to the standards for location and height set forth in section [40-665\(4\)](#). Walls in residential districts shall be constructed of masonry material that is architecturally compatible with the materials on the facade of the principal structure, such as face brick or decorative block, based upon the determination of the zoning administrator.

(b) Entranceway structures. Residential subdivision entranceway structures, such as walls, columns or gates which mark the entrance to a single-family subdivision or multiple-family development, shall be permitted in the required setback area, provided that the structures comply with all of the following:

- (1) The entranceway structure shall comply with the requirements for unobstructed site distance in section [40-665\(4\)](#).
- (2) Entranceway structures shall not exceed four feet, six inches in height.
- (3) Entranceway structures shall not be located in the existing or planned right-of-way.
- (4) Approval of the building official and issuance of a building permit shall be required prior to construction.
- (5) Signage on the entranceway structure shall comply with the adopted sign regulations of the township.

(Ord. No. 147-43, § 5.009, 12-15-2003)

40-822—40-850. Reserved.

ARTICLE VII. SITE DEVELOPMENT STANDARDS

40-851. Intent and scope of regulations.

Each use listed in this article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use that is of an area, intensity or type, or that possesses characteristics that are unique or atypical for the district in which the use is allowed. These standards are intended to ensure that such uses will be compatible with surrounding land uses and ensure the orderly development of the district. Conformance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

(Ord. No. 147-43, § 7.001, 12-15-2003)

40-852 Nonresidential uses.

(a) Automobile or vehicle sales. Automobile or vehicle sales operations with repair facilities or outdoor sales space shall be subject to the requirements that follow. These requirements shall apply to any operation involving the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks and other vehicles.

(1) Grading, surfacing and drainage. Outdoor sales lots, parking areas and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to effectively dispose of or retain surface waters. Grading, surfacing and drainage plans shall be subject to review and approval by the township engineer.

(2) Driveway location. The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least 60 feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

(3) Servicing of vehicles. All servicing of vehicles shall be subject to the following requirements:

- a. Service activities shall be clearly incidental to the vehicle sales operation.
- b. Vehicle service activities shall occur within a completely enclosed building.
- c. Partially dismantled vehicles, damaged vehicles, new and used parts and discarded parts shall be stored within a completely enclosed building.
- d. Buildings containing the service operations shall be located a minimum of 50 feet from any abutting residential property line.
- e. There shall be no external evidence of the service operations, in the form of dust, odors or noise,

beyond the interior of the service building.

f. Buildings should be oriented so that open bays do not face onto adjacent thoroughfares unless screened by an adjoining lot, building or obscuring wall per article VI of this chapter.

(4) Broadcasting devices prohibited. Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited outside of any building.

(5) Setbacks. Outdoor sales lots, parking areas and other vehicle maneuvering areas shall comply with the requirements for parking lots, as specified in article V of this chapter.

(6) Minimum lot area. The minimum lot area required for such uses shall be determined on a case-by-case basis.

(b) Automobile fueling stations; automobile service stations; automobile repair garages.

(1) Automobile fueling station and automobile service station. The following regulations shall apply to automobile fueling stations and automobile service stations (see definition):

a. Minimum lot area. The minimum lot area required for such uses shall be 20,000 square feet.

b. Minimum lot width. The minimum lot width required for such uses shall be 150 feet.

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

1. Nearest edge of pump island: 25 feet.

2. Nearest edge of unenclosed canopy: 20 feet.

d. Ingress and egress. Ingress and egress drives shall be a minimum of 31 feet and a maximum of 40 feet in width. No more than one such drive or curb opening shall be permitted for every 75 feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least 25 feet from the nearest point of any property zoned or used for residential purposes. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near vehicular or pedestrian entrances or crossings.

- e. Curbs. A curb of at least six inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two feet of abutting landscaped areas, sidewalks, streets, buildings or adjoining property.
 - f. Layout. Any lubrication equipment, automobile wash equipment, hoists and pits shall be enclosed entirely within a building. Fueling stations shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings or adjoining property while being served. Adequate vehicle parking and stacking spaces shall be provided as required in article V of this chapter.
 - g. Orientation of open bays. Buildings should be oriented so that open service bays do not face onto adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building or obscuring wall per section [40-820](#)
 - h. Outside storage. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside a building.
 - i. Vehicle sales and storage. The storage, sale or rental of new or used cars, trucks, trailers and any other vehicles on the premises is prohibited except in conformance with this chapter.
- (2) Automobile repair garage—Minor repairs. Vehicle repair that is minor in nature (see definition).
- a. Minimum lot area. The minimum lot area required for such uses shall be 20,000 square feet.
 - b. Minimum lot width. The minimum lot width shall be 100 feet.
 - c. Minimum setback. Buildings shall comply with the setback requirements for the district in which they are located. However, a minimum setback of 40 feet shall be maintained on all sides that abut property that is zoned or used for residential purposes.
 - d. Ingress and egress. Ingress and egress drives shall be a minimum of 31 feet and a maximum of 40 feet in width. No more than one such drive or curb opening shall be permitted for every 75 feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least 25 feet from the nearest point of any property zoned for residential purposes. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near vehicular or pedestrian entrances or crossings.
 - e. Curbs. A curb of at least six inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two feet of abutting landscaped

areas, sidewalks, streets, buildings or adjoining property.

f. Layout. Lubrication equipment, automobile wash equipment, hoists, pits and other equipment shall be enclosed entirely within a building. Adequate vehicle parking and stacking spaces shall be provided as required in article V of this chapter.

g. Outside storage. Inoperable or partially dismantled vehicles may be stored or parked outside for a period not exceeding 48 hours, provided that such vehicles are stored in the rear yard within an obscuring wall as per section [40-820](#)

h. Vehicle sales and storage. The storage, sale or rental of new or used cars, trucks, trailers and any other vehicles on the premises is prohibited.

(3) Automobile, truck and heavy equipment repair garage; major repairs. Vehicle repair that is major in nature (see definition).

a. Minimum lot area. The minimum lot area required for such uses shall be 20,000 square feet.

b. Minimum lot width. The minimum lot width shall be 100 feet.

c. Minimum setback. The building shall comply with the setback requirements for the district in which it is located.

d. Ingress and egress. Ingress and egress drives shall be a minimum of 31 feet and a maximum of 40 feet in width. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to the traffic generated by other buildings or uses or its location near vehicular or pedestrian entrances or crossings.

e. Curbs. A curb of at least six inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two feet of abutting landscaped areas, sidewalks, streets, buildings or adjoining property.

f. Layout. All lubrication equipment, automobile wash equipment, hoists, pits and other equipment shall be enclosed entirely within a building. Adequate vehicle parking and stacking spaces shall be provided as required in article V of this chapter.

g. Outside storage. Inoperable, wrecked or partially dismantled vehicles may be stored or parked outside for a period not exceeding 30 days, provided that such vehicles are stored in the rear yard within an obscuring wall as per section [40-820](#)

h. Vehicle sales and storage. The storage, sale or rental of new or used cars, trucks, trailers and

any other vehicles on the premises is prohibited.

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

- (1) Minimum lot area. The minimum lot area required for automobile or carwash establishments shall be 10,000 square feet.
- (2) Layout. All washing activities shall be carried on within a fully enclosed building. Vacuum activities shall be permitted provided that such activities are located at least 25 feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property. Adequate vehicle parking and stacking spaces shall be provided as required in article V of this chapter.
- (3) Entrances and exits. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes and exit aprons shall be located within the car wash property. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
- (4) Exit lane drainage. Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.

(d) Drive-in establishments.

- (1) Setbacks. Buildings or other structures proposing front yard parking for a drive-in establishment must meet the requirements for the zoning district in which it is located. If parking is proposed in the front yard, any building or structure must be set back a minimum of 60 feet from any street right-of-way line.
- (2) Location of driveways. Driveways serving drive-in establishments shall provide direct access from a major thoroughfare or arterial road. The nearest edge of any entrance or exit drive shall be located no closer than 60 feet from any street or road intersection, as measured from the nearest intersection right-of-way line.
- (3) Screening. An obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial or office use, subject to the requirements in section [40-820](#).

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

- (1) *Minimum frontage*. The site shall have a minimum of 120 feet of frontage on a major thoroughfare.
- (2) *Location of driveways*. Ingress and egress points shall be located no closer than 60 feet from the

intersection of any two streets (measured from the nearest right-of-way line). Points of vehicular ingress and egress shall be limited to the thoroughfare having business zoned frontage only. The minimum distance between driveways providing off-site ingress or egress shall be at least 65 feet measured from the two closest driveway curbs.

(3) *Screening.* An obscuring wall shall be provided along all property lines abutting property that is zoned for residential or office use, subject to the requirements in section [40-820](#).

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

(5) *Stacking spaces.* A restaurant with a drive-through window shall provide stacking spaces for each drive-through window as required in the schedule of off-street parking, section [40-786\(c\)\(9\)](#).

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

(1) *Assembly area.* An adequate assembly area shall be provided off street for vehicles to be used in funeral processions. All maneuvering areas and exit aprons shall be located within the site. Streets and alleys shall not be used for maneuvering or parking of vehicles.

(2) *Screening.* The service and loading area shall be obscured from adjacent residential areas in accordance with section [40-820](#).

(3) *Caretaker's residence.* A caretaker's residence may be provided within the main building of the funeral home or as an approved accessory building on the site, subject to the requirements for single-family structures in article III, division 2 of this chapter. In nonresidential districts, the structure shall comply with the requirements for the R-3 one-family residential district as stated in the schedule of regulations, article III, division 5 of this chapter.

(g) *Group day care home; child care center.* The following regulations shall apply to group day care homes, child care centers, nursery schools, day nurseries and preschools:

(1) *Licensing.* In accordance with applicable state laws, all child care facilities shall be registered with or licensed by the state department of human services and shall comply with the minimum standards outlined for such facilities.

(2) *Location.*

a. A group day care home shall not be located closer than 1,500 feet to any of the following:

1. Another licensed group day care home.

2. Another adult foster care small group home or large group home licensed under the Adult Foster Care Licensing Act.
3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code.
4. A community correction center, resident home, halfway house, or other similar facility which houses an intimate population under the jurisdiction of the department of corrections.

b. A child care center shall be allowed as a special use approval in the districts listed in the ordinance, as well as part of the following specific uses upon demonstration of compliance with the requirements listed in this section:

1. Public, parochial, and other private elementary, intermediate, or high schools, licensed by the state of Michigan to offer courses in general education.
2. Public or private colleges, universities and other such institutions of higher learning, offering courses in general, technical or religious education.
3. Religious institutions, subject to the provisions in section [40-852\(r\)](#).

(3) *Outdoor play area.* A minimum of 150 square feet of outdoor play area shall be provided and maintained per child, provided that the overall area of the play area shall not be less than 5,000 square feet. The outdoor play area shall be suitably fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with article VI of this chapter.

(4) *Frontage.* Child care centers shall front onto a thoroughfare or collector road that is constructed to county road commission standards.

(5) *Setbacks.* Child care centers shall have a minimum side yard setback of at least 25 feet.

(h) *Hospitals.* The following regulations shall apply to hospitals:

(1) *Lot area.* The minimum lot area for a hospital site shall be ten acres.

(2) *Frontage and access.* Hospitals shall front onto a major thoroughfare and the main means of access to the hospital for patients, visitors and employees shall be via the thoroughfare. Secondary access to a hospital site may be off of a residential street.

(3) *Setbacks.* The principal building and all accessory buildings shall be set back a minimum distance of 50 feet from any property line. The planning commission may allow the placement of an eight-foot-high

obscuring masonry wall at the property line in lieu of the setback requirement.

(4) *Screening.* Ambulance, emergency entrance areas and loading areas shall be effectively screened from view from all adjacent residential uses by the building design, landscaping or a masonry wall.

(5) *State and federal regulations.* Hospitals shall be constructed, maintained and operated in conformance with applicable state and federal laws, including provisions of the state Hospital Survey and Construction Act, Public Act 299 of 1947 (MCL 331.501 et seq.), as amended.

(i) *Junkyards and/or salvage yards.* The following regulations shall apply to junk or salvage yards:

(1) *Minimum lot area.* The minimum lot area for a junkyard or salvage yard shall be five acres.

(2) *Location.* A parcel of land used for a junkyard shall abut only nonresidential or noncommercial land uses or zoning districts.

(3) *Setbacks.* A minimum setback of 200 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least 100 feet from any road or highway right-of-way line and from any property line that abuts a residentially zoned or used district.

(4) *Screening.* The entire junkyard or salvage yard site shall be screened with an eight-foot obscuring masonry wall or fence, constructed in accordance with section [40-820](#). The wall or fence shall be uniformly painted and/or maintained in neat appearance, and shall not have any signs or symbols painted on it.

(5) *Surfacing.* All roads, driveways, parking lots and loading and unloading areas shall be paved and provide adequate drainage.

(6) *Regulated activities.* All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicle being stored on the site.

(7) *Permits.* All required township, county and state permits shall be obtained prior to establishing a junkyard.

(j) *Commercial kennels.* The following regulations shall apply to kennels:

(1) *Regulatory compliance.* Any such kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies.

(2) *Minimum lot area.* The lot on which any such kennel is located shall have a minimum lot area of one acre. If more than four animals are housed in the kennel, an additional one acre shall be required for every

additional ten animals (or fraction thereof).

(3) Yard regulations. Buildings in which animals are kept, animal runs and exercise areas shall not be located in any required front, side or rear yard setback area, and shall be located at least 100 feet from any dwellings or buildings used by the public on adjacent property.

(k) Miniwarehouses. The following regulations shall apply to miniwarehouses:

(1) Lot area. The minimum lot area for miniwarehouses shall be two acres.

(2) Permitted use. Miniwarehouse establishments shall provide for storage only. All storage must be completely contained within an enclosed building.

(3) Site enclosure. The entire site, exclusive of access drives, shall be enclosed with a six-foot-high obscuring wall and/or fence, constructed in accordance with section [40-820](#). A six-foot chainlink fence may be permitted along property lines that do not abut a residentially zoned district or residential use.

(4) Exterior appearance. The exterior of any miniwarehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.

(5) Resident manager. A resident manager may be permitted on site with the responsibility of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform to the provision of this chapter. In nonresidential districts, the structure shall comply with the requirements for the R-3 one-family residential district as stated in the schedule of regulations, article III, division 5 of this chapter.

(6) On-site circulation and parking.

a. All one-way driveways shall be designed with one ten-foot-wide loading/unloading lane and one 15-foot travel lane.

b. All two-way driveways shall be designed with one ten-foot-wide loading/unloading lane and two 12-foot travel lanes.

c. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

(l) Motels and hotels. The following regulations shall apply to motels or hotels:

(1) Lot area. The minimum lot area for a motel or hotel shall be appropriate for the proposed construction.

(2) Accessory facilities. A motel or hotel may include the following amenities:

- a. An attached dining room with seating capacity for at least 20 occupants at the same time, serviced by a full service kitchen; or
- b. An unattached standard restaurant, as defined in this chapter, with seating capacity for not less than 50 occupants, located on the same site as the motel or on a site contiguous with the motel and developed simultaneously or in advance of the motel site.

(3) Design. Each unit available for rental within a motel or hotel shall contain a bath and at least one bedroom and encompass a minimum gross floor area of 350 square feet.

(4) Services. A motel or hotel shall provide customary services.

(m) Nursing homes, convalescent homes, rest homes, orphanages, and halfway houses. The following regulations shall apply to nursing homes, convalescent homes, rest homes, orphanages and halfway houses:

(1) Minimum lot area. The minimum lot area for such facilities shall be one acre.

(2) Frontage and access. Such uses shall front onto a major thoroughfare and the main means of access to the site for residents or patients, visitors and employees shall be via the thoroughfare. In no case shall primary access to a nursing home, convalescent home or rest home be limited to a residential street.

(3) Setbacks. The principal building and all accessory buildings shall be set back a minimum distance of 25 feet from any property lines.

(4) Open space. Any such facility shall provide a minimum of 500 square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways and accessory uses or areas shall not be counted as required open space.

(5) State and federal regulations. Nursing homes, convalescent homes, rest homes, orphanages and halfway houses shall be constructed, maintained and operated in conformance with applicable state and federal laws.

(n) Open-air business. The following regulations shall apply to permanent open-air businesses:

(1) Minimum lot area. The minimum lot area for open-air businesses shall be 10,000 square feet.

(2) Driveway location. The nearest edge of any driveway serving an open-air business shall be located at least 60 feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least 20 feet from any side property line.

- (3) Parking setback. Parking shall be setback a minimum of ten feet from any road right-of-way line.
- (4) Lot width. The minimum lot width for open-air businesses shall be 100 feet.
- (5) Loading and parking. All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads or alleys.
- (6) Outdoor display of vehicles. The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks or tractors that are for sale, rent or lease shall comply with the requirements in subsection (a) of this section.
- (7) Plant material nursery. Nurseries that deal with plant materials shall comply with the following:
 - a. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
 - b. The storage of soil, wood chips, fertilizer and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

(o) Restaurant site requirements.

- (1) Access. Points of vehicular ingress and egress shall be limited to the thoroughfare having business zoned frontage only.
- (2) Screening. A restaurant with a rear yard or side yard abutting a noncommercial district shall provide a permanent obscuring wall, per the requirements of section [40-820](#), along the full length of each abutting property line.
- (3) Vehicular storage. Parking and vehicular storage in excess of 24 consecutive hours shall be prohibited at all times on the premises, and the owner, franchisee holder or lessee shall post a sign or signs giving notice that all parked or stored vehicles are subject to ticketing and removal at the owner's expense.
- (4) Rubbish and debris. Each restaurant site shall be kept free of rubbish and debris and the grass and other landscaping shall be well maintained so as to present a neat and attractive appearance at all times.

(p) Radio and television towers (commercial and public). The following regulations shall apply to commercial and public radio and television towers and microwave towers:

- (1) Setbacks. Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.

(2) Fencing. An open weave, six-foot-high chainlink fence shall be constructed around the entire perimeter, in accordance with section [40-737](#)(4).

(3) State and federal regulations. All towers shall be constructed, maintained and operated in conformance with applicable state and federal laws.

(q) Recreation facilities.

(1) Outdoor recreation facilities. Outdoor recreation facilities, except for those stated in this section (golf courses, outdoor theaters, auto race tracks, horse and dog tracks, and courses for off-road vehicles and snowmobiles), such as, but not limited to, golf driving ranges, miniature golf courses, ski or skate facilities, campgrounds, fairgrounds, commercial picnic grounds, privately owned parks, soccer fields, tennis facilities, hockey rink, baseball facilities and swimming pools, shall comply with the following regulations:

a. Principal and accessory buildings shall be set back at least 25 feet from all property lines and 50 feet from any existing residential use, unless otherwise specified herein.

b. The location, layout, design or operation of outdoor recreation facilities shall not impair the continued enjoyment, use and future orderly development of adjacent and nearby properties. The planning commission may specify the hours of operation in order to ensure compatibility with adjacent uses.

c. Outdoor recreation uses shall not generate excessive noise, odors, dust or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.

d. All parking for outdoor recreation uses shall be provided in off-street parking lots, which shall be designed in accordance with article V of this chapter.

e. Lighting for outdoor recreation uses shall comply with section [40-731](#)

f. Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with section [40-813](#)(e).

g. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

(2) Indoor recreation facilities. Indoor recreation facilities, such as, but not limited to, bowling establishments, indoor archery ranges, firing ranges, indoor tennis courts, indoor skating rinks or hockey rinks, indoor skate parks, indoor firing ranges, indoor soccer arenas and similar indoor recreation uses shall comply with the following regulations:

- a. Indoor recreation uses shall be set back a minimum of 50 feet from any property line that abuts a residential district.
- b. The location, design and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from loitering on the premises.
- c. Indoor recreation uses shall have direct access onto a major thoroughfare.

(r) Religious institutions. The following regulations shall apply to all religious institutions, including churches, synagogues, temples and related uses:

- (1) Minimum site area. The minimum site area for a religious institution shall be 40,000 square feet. For the purpose of determining minimum site area, all contiguous land owned by the institution and any land area separated from the principal use by a public right-of-way other than a major thoroughfare may be included. Any land area separated by a right-of-way shall be considered to be an integral part of the site plan for review and approval purposes.
- (2) Lot width. The minimum lot width for religious institutions shall be 200 feet.
- (3) Parking setback. Off-street parking shall be prohibited in the front setback area required by this chapter for the underlying zoning district. No parking shall be allowed within 15 feet of any property line. Except for the above front yard setback requirement, the zoning board of appeals may allow the substitution of a wall per article II, division 2 of this chapter in lieu of compliance with other setback requirements.
- (4) Frontage and access. Religious institutions shall be located on a major thoroughfare. The primary vehicular access to the site shall be provided from a major thoroughfare.
- (5) Landscaping. Religious institutions shall comply with the landscaping requirements set forth in section [40-813](#)

(s) Stamping plants, punch presses, press brakes and other industrial machines. The following regulations shall apply to stamping machines, punch presses, press brakes and other machines:

- (1) General requirements. All such machines shall comply with the noise and vibration standards in section [40-875](#)
- (2) Automatic screw machines. Automatic screw machines shall be equipped with noise silencers and shall not be located closer than 300 feet from any property zoned for residential purposes.

(3) Setbacks. Punch and stamp presses, other than hydraulic presses shall comply with the performance standards in article VIII of this chapter.

(4) Press brakes. Press brakes shall be set back at least 300 feet from any property line zoned for residential use.

(t) Veterinary clinics. Veterinary clinics shall comply with the following requirements:

(1) Enclosure. All activities shall be conducted within a completely enclosed building.

(2) Setbacks. All buildings shall be set back at least 50 feet from abutting land that is zoned for residential use.

(3) Treatment facilities. Commercial boarding of animals is prohibited. Treatment shall be limited to domesticated animals considered as pets.

(u) Veterinary hospitals. Veterinary hospitals shall comply with the following requirements:

(1) Enclosure. All activities shall be conducted within a completely enclosed building.

(2) Setbacks. All buildings shall be set back at least 200 feet from abutting land that is zoned for residential use.

(3) Treatment facilities. Treatment is not limited to domesticated animals considered as pets; however, all facilities shall meet the requirements for commercial kennels in subsection (j)(2) of this section.

(v) Outdoor meeting, entertainment, and/or athletic venues. Because outdoor meeting, entertainment and/or athletic venues possess the unique characteristic of developing a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted when the site in question is surrounded by nonresidential districts. These uses shall further be subject to the following conditions:

(1) Compliance. The proposed internal design shall receive approval from the building inspector as to adequacy of drainage, lighting, screening and other technical aspects of adopted codes and ordinances.

(2) Ingress and egress. Points of ingress and egress shall be available to the outdoor venue from abutting major thoroughfares and shall not be available from any residential street.

(3) Queuing spaces. All vehicles waiting or standing to enter the facility shall be provided off-street queuing space. No vehicle shall be permitted to wait to stand within a dedicated right-of-way.

(4) Location. The area shall be laid out so as to prevent the activities from being viewed from residential

areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed so as to be confined within, and directed onto, the premises of the site according to section [40-731](#)

(5) Screening. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

(w) Vehicular race tracks. These requirements are applicable to midget vehicles, auto, motorcycle, snowmobiles, off-road vehicles and go-cart tracks. Because vehicular tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause significant noise levels that may project beyond the property so used, they shall be permitted only when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as deemed necessary to promote health, safety and general welfare in the township:

(1) Parking. All parking shall be provided as off-street parking within the boundaries of the development.

(2) Ingress and egress. Access to the parking areas shall be provided only from a major thoroughfare.

(3) Screening. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development in compliance with article VI of this chapter.

(x) Horse tracks, dog tracks, casinos and fairs. Because horse tracks, dog tracks, casinos and fairs develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and require sizable land areas which would be incompatible with business or residential districts, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as deemed necessary to promote health, safety and general welfare in the township:

(1) Parking. All parking shall be provided as off-street parking within the boundaries of the development.

(2) Ingress and egress. Access to the parking areas shall be provided only from a major thoroughfare.

(3) Screening. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development in compliance with article VI of this chapter.

(y) Cemeteries. Because of the effects of a large land area devoted to this use on the continuity of local streets, and because this use does not require the normal services (sewers, water, etc.), the township board shall permit the establishment of this use in any district only when the following conditions are met:

- (1) Location. The location of a cemetery shall be permitted in any quarter section of any district when the quarter section does not have more than 51 percent of its land area in recorded plats.
- (2) Ingress and egress. All access shall be provided from major thoroughfares as defined in the township's general development plan.
- (3) Screening. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall or fence or buffer strip planting as described in article VI of this chapter.
- (4) Drainage. Approval shall be given contingent on a satisfactory drainage plan approved by the township engineer or building inspector.
- (5) Lot coverage. Any crypt, mausoleum or other buildings or structures wholly or in part above the ground, other than monuments, shall together occupy not more than 25 percent of the total lot area.
- (6) Setback. No part of any crypt, mausoleum or other building containing bodies or remains, other than a subterranean grave shall be less than 100 feet from the nearest lot line.
- (7) Compliance. An approved cemetery shall comply with all feral, state and local laws and requirements relating to cemeteries enacted by the people of the state.

(z) Quarries, crushing and/or batch plants. Because the commercial removal and/or processing of soil, sand, gravel, stone and other earth products is likely to involve substantial amounts of nuisance (primarily noise and dust, with resulting air pollution) and large amounts of trucking and in some, but not necessarily all, cases the land is spoiled for any subsequent use with resulting loss of taxable revenues, such use shall be permitted only in industrial districts and shall further be subject to the following conditions:

- (1) Ingress and egress. There shall be not more than one means of ingress and egress to the site from a major thoroughfare for each 500 feet of street frontage.
- (2) Hours of operation. All removal, processing, transportation and activities relating to operations and storage, including stockpiling, shall not take place before 7:00 a.m. or after sunset.
- (3) Operations setback. On said lot, no digging or excavating shall take place closer than 100 feet to any lot line or public right-of-way.
- (4) Dust control. On said lot or parcel, all roads, driveways, parking lots and loading and unloading areas within 100 feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

- (5) Nuisances prohibited. Any odors, smoke, fumes or dust generated on said lot by any digging, excavating, processing, stockpiling or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lots as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road and shall comply with the provisions of section [40-875](#)
- (6) Vehicles. All trucks or other vehicles used to transport materials shall be tightly enclosed so as to prevent materials from dropping or blowing off transporting vehicles. The license plate and other identifying information shall be kept clean and visible at all times.
- (7) Pollution control. Such removal processing or storage shall not be conducted so as to cause the pollution by any material of any surface or subsurface, watercourse or water body outside the lines of the lot on which such use shall be located.
- (8) Sedimentation control. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosions by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to ensure that no erosion or alteration of drainage patterns, as specified in this subsection, shall take place after the date of the cessation of operation.
- (9) Fixed improvements/machinery. All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district, but in the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than 100 feet from any lot line or right-of-way.
- (10) Fencing. There shall be erected a fence not less than six feet in height around the periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top edge of any slope.
- (11) Phased restoration. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural. Phasing shall be clearly shown on the site plan.
- (12) Restoration/reuse plan. The operator shall file with the planning commission and the township board a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of

future roads, drives, drainage, courses and or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the planning commission and/or township board. The applicant shall state the anticipated cost of carrying out the plans for restoration and these costs shall be detailed with said plans.

(13) Performance and restoration bonds. The operator shall file with the township a performance bond, payable to the township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. This bond shall remain in effect during all times of operation of the facility. In addition to the requirements of section [40-82](#), the amount of the required bond will reflect the anticipated cost of restoration as fixed by the township. The bond shall be released upon written certification of the building inspector that the all restoration has been completed and is in compliance with the approved restoration plan.

(aa) Sanitary landfills, transfer facilities, processing plants and recycling collection facilities. Recognizing that because of their nature, such uses have objectionable characteristics, and recognizing that such use may have a harmful effect on adjacent properties and the general welfare of the public, special regulation of this use is necessary to ensure that the objectionable effects of landfilling will not contribute to the blighting or downgrading of surrounding properties and threatening the public health, safety and general welfare. The dumping of garbage or other putrescible wastes in the township shall be accomplished in accordance with the county solid waste management plan, the licensing requirements under Part 115 of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994 (MCL 324.11501 et seq.) (NREPA Part 115), all state regulations generally and specifically append to the individual permit and the following conditions:

- (1) *Prohibited wastes.* The dumping of garbage or other putrescible wastes in areas zoned other than industrial is prohibited provided that no permit to dump such waste materials shall be allowed where there are occupied permanent residences within 1,000 feet of the property line of the dumping site.
- (2) *Prohibited materials.* The use of combustible construction refuse in filling or reclamation of land is prohibited.
- (3) *Dust control.* All approach roads to these facilities shall be hard topped or otherwise treated to reduce annoyance to surrounding properties by reason of dust, noise and traffic congestion.
- (4) *Oversight.* Burning or picking over of rubbish is absolutely prohibited and the operator shall be held responsible to provide adequate personnel at all times it is necessary to carry out this and other provisions of this chapter.
- (5) *Vehicles.* All trucks or other vehicles used to transport rubbish or other refuse or waste materials shall be tightly enclosed so as to prevent waste materials from dropping or blowing off transporting vehicles. The license plate and other identifying information shall be kept clean and visible at all times.

(6) *Coverage.* All fine ash or soot-like type of materials that tend to be blown by the wind shall be immediately covered with back fill and shall remain so covered at all times.

(7) *Fencing.* The township board may, upon the recommendation of the planning commission, require a fence at least eight feet high completely enclosing said facility where, in its opinion, a hazard to the public health, safety and general welfare occurs. The township board may, in lieu of said fence, require the operator to construct an earth embankment at least eight feet high completely surrounding said operations for the purpose of minimizing annoyance to the surrounding residents.

(8) *Grade.* In no event shall the operations of a sanitary landfill project above the established grade of surrounding properties.

(9) *Bonds.* The township board may, upon the recommendation of the planning commission, require the posting of a performance bond according to section [40-82](#) for all improvements that ensure a sanitary landfill shall not:

- a. Pollute the waters of the township;
- b. Cause stagnant water to collect or create a health hazard; or
- c. Leave the surface of the land at the completion of such operation in an unstable condition or otherwise unfit for the growing of turf or for other land uses permitted in the zone in which such filling occurs.

(Ord. No. 147-43, § 7.002, 12-15-2003; Ord. No. 227, 8-1-2011)

40-853 Residential uses.

(a) *Accessory apartment dwelling.* An accessory apartment dwelling, as defined in section [40-3](#), shall comply with the following regulations:

(1) *Incidental use to residence.* The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall apply:

- a. Accessory apartments shall be established in owner-occupied residences only.
- b. Only one such accessory dwelling shall be permitted on each zoning lot.
- c. The total floor area of the accessory dwelling shall not exceed 600 square feet.

(2) *Setbacks and placement on the parcel.* An accessory dwelling shall comply with all setback requirements for the district in which it is located.

(3) *Compatibility with surrounding and use.* The design of the accessory dwelling shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory dwelling shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall not appear that more than one household occupies the site.

(4) *Parking and access.* In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory dwelling.

(b) *Elderly housing.* The following site development standards shall apply to housing for the elderly:

(1) *Minimum floor area.* Dwelling units within a building shall average 350 square feet in floor area, not including kitchen and sanitary facilities.

(2) *Lot coverage.* Total coverage of the all buildings, including dwelling units and related service buildings, shall not exceed 30 percent of the total site, exclusive of any dedicated public right-of-way.

(c) *Mobile home park requirements.* Mobile home parks shall fully comply with the requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.). Furthermore, mobile home parks shall comply with all rules and regulations promulgated by the state mobile home commission, and the requirements of this and other township ordinances. Should any conflict in regulatory provisions occur, the provision that imposes the more restrictive or higher standard shall prevail.

(1) *Location.* Mobile homes shall be located only in those zoning districts in which mobile home land use is permitted by these regulations. Emergency or temporary parking of a mobile home on any street, alley or highway may be permitted by the building official for a period not to exceed 12 consecutive hours, subject to any other limitations imposed by traffic or parking regulations or ordinances for a particular street, alley or highway.

(2) *Permit required.* It shall be unlawful for any person to operate a mobile home park unless that individual obtains a license for such operation in compliance with the requirements adopted by the mobile home commission under Public Act No. 96 of 1987 (MCL 125.2301 et seq.). The zoning administrator shall communicate recommendations regarding the issuance of any such license to the director of the mobile home division or other appropriate state official.

(3) Mobile home standards.

a. *Compliance issues.* Each mobile home shall be of contemporary design and shall contain sanitary waste disposal facilities, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems as

commonly found in modern mobile homes. Each mobile home shall comply with the zoning regulations for the district in which it is located, regulations of the U.S. Department of Housing and Urban Development as adopted on June 15, 1976, and all subsequent amendments to such standards and regulations. Mobile homes constructed prior to June 15, 1976, shall be in full compliance with NFPA 501B-1974/ANSI 119.1-1975 standards.

b. Minimum floor area. The minimum floor area for any mobile home shall be not less than 600 square feet.

c. Anchorage and tie down. Every mobile home unit shall be anchored or tied down on its site, and the anchor or tie-down system shall conform to the United States Department of Housing and Urban Development (HUD) standards and be approved by the state construction code division. These systems shall also conform to all rules and regulations promulgated by the state mobile home commission. An alternate system of anchoring or protecting the mobile home against high velocity winds can be substituted upon the recommendation of the building inspector and the approval of the planning commission.

d. Skirting. Each mobile home must be skirted within 90 days after establishment in a mobile home park. In the event that skirting cannot be installed in a timely manner due to inclement weather, the building official may permit extension of the time period. All skirting shall conform to the installation and materials standards specified in the Michigan Administrative Code, R125.1604, Rule 604.

e. Canopies and awnings.

1. Canopies and awnings may be attached to any mobile home, provided they are in compliance with the Michigan Administrative Code, R125.1941, Rule 941 (2), and provided further that they shall not exceed 12 feet in width or exceed the length or the height of the mobile home.

2. A building permit shall be required for construction or erection of canopies or awnings, or for construction of any area enclosed by glass, screens or other material, such that the enclosed area will be used for more than casual warm weather leisure.

(4) Park site development standards.

a. Site area. All mobile home parks shall be at least ten contiguous acres in size.

b. Access. All mobile home parks shall have direct access to a major thoroughfare.

c. Density. The maximum density shall be limited by the requirement of a minimum of 7,500 square feet of land area per mobile home, inclusive of the area of internal minor and collector streets.

- d. Interior roadways. All interior roadways and driveways shall be in compliance with the Michigan Administrative Code, R125.1920, Rule 920.
- e. Setbacks.
1. All mobile homes and any accessory buildings shall maintain a minimum 50-foot setback to any property line of the development to adequately protect the residential use of the development.
 2. Mobile home placement shall comply with the minimum distances specified in R125.1941, Rule 941 of the Michigan Administrative Code.
 3. No mobile home unit shall be located within 50 feet of the right-of-way of a public thoroughfare, or within 35 feet of any other mobile home park property line.
 4. No mobile home unit exterior wall shall be located with 20 feet of any other mobile home unit's exterior wall surface.
- f. Community building. Each mobile home park development shall contain a community building of sufficient size to accommodate laundry facilities, indoor recreational facilities and room for community gatherings to service the residents of the mobile home park.
- g. Sidewalks. Concrete sidewalks, at least three feet wide, shall be provided not less than three feet from the edge of the curb of a main access drive, but may be placed contiguous to the curb of a secondary access drive. Sidewalks shall be located on both sides of the drives and streets. The areas between the sidewalk and curb shall be seeded or sodded with grass, although shade or street trees may be planted in the area.
- h. Spacing between mobile homes. Mobile home sites shall be arranged so as to provide a minimum distance of not less than 20 feet between any unit or attached appendage to the main unit. The minimum distance between the roadway that provides circulation to the site and the unit shall be not less than 25 feet.
- i. Open space.
1. Each mobile home shall be provide with an outdoor living and service area. Such area shall be improved and landscaped as necessary to ensure reasonable privacy and comfort. The minimum area shall not be less than 300 square feet with a least dimension of 15 feet.
 2. In addition to the above, there shall be provided at least 300 square feet of open space and recreation space for each mobile home and shall be developed in clusters located uniformly throughout the development. At least one such area in each mobile home park shall be of such

size and shape that a minimum 100 foot square may be laid out within it and be substantially flat, without trees, bushes or other obstructions, and maintained as lawn and is suitable for active forms of recreation. Streets, driveways and parking area are not to be included in calculating the size of the recreation area.

- j. Storage sheds. Storage sheds may be permitted as accessory buildings. Each mobile home shall be provided with an accessory storage building having at least 80 square feet of floor area for the storage of household items, lawn equipment and similar possessions. No outdoor storage shall be permitted by a mobile home park or committed by an occupancy, including the storage of anything underneath any mobile home.
- k. Accessory project storage area. An outside storage area surrounded by an obscuring wall, in accordance with article II, division 2 of this chapter, shall be located within each mobile home park for the storage of residents' trailers, boats, snowmobiles, motorized recreational vehicles and other similar equipment. Such equipment shall not be stored elsewhere in the park.
- l. Water and sewer service. All mobile home parks shall be connected to the township public water supply system through a master meter and township sanitary sewer system and shall meet the requirements of the county health department and the state department of environmental quality. Water shall be continuously supplied to each mobile home lot with a minimum available pressure of 20 pounds per square inch. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, accidental bumping or from creating any nuisance or health hazard.
- m. Storm drainage. All developed portions of the mobile home park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable township, county and state regulations and shall be subject to review and approval by the township engineer.
- n. Telephone and electric service. All electric, telephone and other lines within the park shall be underground.
- o. Television antennas; satellite dishes. Individual exterior television antennas or satellite dishes shall not be placed on any mobile home unit or lot. The mobile home park may provide a master exterior television antenna or dish for connection to individual mobile home units, or an underground cable television system may be installed.
- p. Landscaping. Mobile home parks shall be landscaped in accordance with article VI of this chapter.
- q. Walls. A six-foot-high solid masonry wall shall be required whenever parking areas are adjacent to single-family residentially zoned property as determined by the planning commission.

r. Garbage and refuse collection. Garbage and refuse collection areas shall be screened and maintained in accordance with the provisions of this chapter and other township regulations.

(5) Inspections. The township building official, or any delegated individual, is granted the authority, as specified in Public Act No. 96 of 1987 (MCL 125.2301 et seq.), to enter upon the premises of any mobile home park for the purpose of determining compliance with the provisions of these or other applicable township regulations.

(6) Violations. Whenever, upon inspection of any mobile home park, the building official or zoning administrator finds that conditions or practices exist that violate provisions of these zoning regulations or other regulations referenced herein, notice shall give notice in writing by certified mail to the director of the mobile home division or other appropriate state official, including the specific nature of the alleged violations and a description of possible remedial action necessary to comply with this chapter or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

(d) Single-family cluster option. Except as stated within this section, an application for approval of a site plan for a residential cluster option shall follow the procedures and requirements established for a special use approval as stated in section [40-79](#). The following standards shall apply to single-family cluster projects:

(1) Intent. The intent of the single-family cluster option is to provide the opportunity for creative design in single-family residential districts to accomplish the following primary objectives:

a. To promote a higher quality of development than could be achieved under conventional zoning regulations.

b. To encourage innovation in land use and variety in design, layout and type of structures constructed.

c. To provide a feasible means of residential development on sites that would otherwise be difficult or impossible to develop because of the parcel size or shape, the character of surrounding land uses or other constraints.

(2) Eligibility criteria.

a. In considering any proposal for the single-family cluster option, the planning commission shall determine that the proposal satisfies one or more of the following eligibility criteria:

1. The overall impact of the development will provide a recognizable and substantial benefit to its ultimate residents and to the community.
 2. The parcel has narrow width, shallow depth or an unusual configuration that is a substantial detriment to development as a conventional subdivision.
 3. A significant portion of the property's perimeter is bordered by a major or secondary thoroughfare so that, if developed as a conventional subdivision, a substantial number of the lots would abut the thoroughfare and be impacted by negative traffic noise and lights.
 4. A substantial portion of the property's perimeter is bordered by land that is zoned or used for more intensive and potentially incompatible nonresidential development.
 5. The parcel contains natural assets that would be preserved or enhanced through the use of cluster development. Such assets may include stands of trees, land that serves as a habitat for wildlife, unusual topographic features or other natural assets that should be preserved.
- b. An application for the single-family cluster option shall be accompanied by written and graphic documentation demonstrating to the planning commission that the proposal satisfies one or more of the listed eligibility criteria.
- (3) Project density. The overall density of development on a site that qualifies for cluster development shall not exceed the standards for density as established by the underlying zoning regulations for the district in which the site is located. The density of a development shall be computed by dividing the total number of units proposed by the allowable acreage. The quotient shall be rounded to the nearest tenth of an acre. For the purposes of computing density, allowable acreage shall include the following:
- a. All areas to be used for residential purposes, including off-street parking and private access roads, but excluding public street rights-of-way;
 - b. Dedicated private parks and/or common open space devoted for use of residents of the single-family cluster development.
- (4) Site design requirements. Single-family cluster developments shall comply with the following requirements:
- a. Clustering alternatives.
 1. Attachment of units. A maximum of four single-family dwelling units may be attached to each other, provided that measures are taken to avoid monotonous facade design or the appearance of massive buildings that are out-of-scale with surrounding single-family development. The attached

units shall be offset from one another, and/or different design details (i.e., different building entrance designs, different building materials, etc.) shall be used for each unit.

2. Detached clusters. A maximum of four single-family detached units may be combined into a single cluster, provided that the units shall be spaced not less than ten feet apart. This spacing requirement may be waived or modified by the planning commission during site plan review, based upon a favorable recommendation of the township fire chief.

b. Open space.

1. General requirements. Single-family cluster developments shall provide and must maintain at least 15 percent of the site as dedicated common open space.

2. Water bodies and basins. Up to 25 percent of the required open space may include the area of any created water bodies or water detention/retention basins.

3. Conveyance of open space. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, ensuring that the open space will be developed, dedicated and continually maintained according to the site plan and never changed to another use.

c. Setbacks.

1. Setbacks between clusters. Each cluster of attached or detached dwelling units shall be set back a minimum distance of 50 feet from any other cluster, except that the minimum setback for adjoining clusters that have a side-to-side building relationship shall be 20 feet.

2. Building setbacks. Buildings within each cluster shall comply with the following minimum setbacks:

(i) Internal private road: 20 feet from edge of traveled roadway.

(ii) Public road right-of-way: 25 feet.

(iii) Property line (other than road right-of-way): 25 feet.

(iv) Utility easement (other than individual unit lead): 12 feet.

d. Landscaping. Single-family cluster developments shall comply with the landscaping requirements specified in article VI of this chapter.

e. Transition in density. Where the parcel proposed for use as a cluster development abuts a

conventional single-family development, the cluster development shall be designed to provide an orderly transition between the two developments. Such a transition may be achieved by providing a buffer zone consisting of any of the following: open space, additional landscaping, berms, changes in topography or similar measures acceptable to the planning commission.

f. *Sidewalks.* Sidewalks shall be provided along all public and private roads within the cluster development.

g. *Utility connections.* Each dwelling unit shall be separately connected and metered for township water and sewer service.

(5) *Determination of eligibility.* The application for cluster development shall include documentation that the proposal satisfies one or more of the eligibility criteria set forth in subsection (d)(2)a of this section. The planning commission shall make a preliminary determination whether the proposal qualifies for the cluster option, based on the submitted documentation.

(6) *Effect of preliminary eligibility determination.* Preliminary determination by the planning commission that a parcel qualifies for cluster development does not ensure approval of the site plan. Such a determination, however, does give the applicant the opportunity to proceed further with site plan review.

(7) *Site plan review.* A cluster housing development shall be subject to the site plan review requirements in section [40-79](#), as well as the additional requirements in this section.

(8) *Information required for site plan review.* In addition to the information required in article II, division 2 of this chapter as a part of site plan review, the following information shall be included on all cluster option plans submitted for review:

- a. Acreage and density computations.
- b. Setbacks from all property lines and distances between all buildings and between buildings and roads.
- c. Proposed landscape screening along the perimeter and within the site.
- d. Specific locations of significant site features such as tree stands and water retention areas.
- e. Delineation of open space areas and detailed information concerning common access and proposed landscaping or other improvements within the open space.

(9) *Recording of planning commission action.* Each action taken with reference to a cluster development proposal, including the grounds for the action taken, shall be duly recorded in the minutes of the planning

commission.

(10) *Recording of documents.* If the planning commission approves the cluster development proposal, all requirements and conditions upon which such approval is based shall be included as part of the approved site plan. Easements, deed covenants or deed restrictions shall be drafted into recordable forms, reviewed and approved as to form by the township attorney, and filed by the applicant, with the appropriate county agency prior to the issuance of a building permit for any construction.

(11) *Performance guarantee.* A performance guarantee shall be deposited with the township to ensure faithful completion of improvements in accordance with section [40-82](#).

(e) *Lot or unit dimensional averaging.* The intent of this section is to permit the proprietor or developer to vary subdivision lots or condominium unit lot sizes and/or widths so as to average the minimum size of lot or unit for the entire development, as required in article III, division 5 of this chapter, for R-1, R-2 and R-3 one-family residential districts. If this option is selected, the following conditions shall be met:

(1) *Maximum reduction.* In meeting with an average minimum lot size, the subdivision or condominium shall be so designed as not to create any lot or unit having an area or width less than 90 percent of that area or width required in the Schedule of regulations, and in no case shall the averaging create an increase in the number of lots above that increased without the averaging method.

(2) *Entire project plan considered.* The technique of averaging minimum lot or unit size shall be acceptable only in those instances wherein the full and complete plan is approved preliminarily, processed through the final plat or a final condominium plan stage, and is then recorded in its totality. Recording of portions or phases of a preliminary plat or condominium plan shall not be acceptable under this option.

(3) *Disclosure.* All computations showing lot area and the average resulting through this technique shall be clearly indicated as a deviation from the schedule of regulations on the print of the preliminary plat or condominium site plan reviewed by the township.

(Ord. No. 147-43, § 7.003, 12-15-2003)

40-854 Mixed uses.

(a) *Allowed mixed uses.* In all commercial districts, a limited amount of storage is permitted where the storage is accessory to the principal retail use. Similarly, in industrial districts, office and sales operations are permitted where such activities are clearly incidental to the principal industrial use. In certain businesses, the accessory use is an integral part of the overall business operation, such that the business takes on the character of a mixed use. In these cases, the specific guidelines provided in this section must be used to determine if the accessory use is reasonable and should be permitted.

(1) *Types of use.* Both principal uses and special land uses listed in all B—business districts and IL—

light industrial districts may be allowed as mixed uses in either district provided they comply with the intent of the districts listed in this chapter, are in compliance with the general development standards listed in each chapter, and receive planning commission approval under the special use approval requirements.

(2) *Character of the proposed use.* The principal use of the site must match the zoning uses of the district it is located in, with the accessory use in compliance with the following:

a. *Industrial uses in commercial districts.*

1. *Types of activity.* Heavy machinery typically found in manufacturing or industrial plants shall not be permitted. The machinery shall not create dust, noise, odor, vibration or fumes that would cause any adverse impact on neighboring properties. The use of the building or property for storage must not create any safety issues of toxic or hazardous types of materials than would normally be created by the use of the property for commercial activity.

2. The following I-L light industrial uses are prohibited in a B-3 general business district unless a variance is approved by the zoning board of appeals: junk yards and commercial kennels.

b. *Commercial uses in industrial districts.*

1. The retail activity must be a related use to the main manufacturing or storage of the industrial business located on the site, while not necessarily requiring the production of all items for sale in the business to be produced on the property.

(3) *Percentage of use and/or development.* In all commercial and industrial districts the amount of the use dedicated to the principal zoning of the district in which it is located shall not be less than 60 percent of the total square footage of each building or the lot, if used for storage, and/or not less than 60 percent of all of the buildings located on site.

(4) *Site plan requirements.* All applicants shall submit a proposed sketch plan or if necessary an engineered site plan, should there be on-site changes requiring engineering approval.

a. *Location.* Any commercial uses located in the buildings must front the main road right-of-way frontage or the main service drive of a complex.

b. *Parking.* Additional parking must exist or be required to be installed to service each particular use located on the property, in accordance with a corresponding ratio of use to parking, as listed in the existing ordinance requirements.

c. *Truck service.* The location of all parking, service bays and building access for trucking for industrial uses must be located on the sides or back of a building or screened from direct public view

from adjacent rights-of-way. Proper and adequate ingress and egress must exist or be installed to comply with the ordinance requirements and local agencies such as St. Clair County road commission.

d. *Landscaping.* The landscaping existing on site must meet the minimum requirements listed for the type of use, as required along the road frontage, or be installed within one year after approval.

e. *Sidewalks and/or bike paths.* Where the property has additional planned sidewalks or bike paths proposed to comply with federal, state or local master plans, including recreation and DDA plans, the applicant shall be required to construct them as detailed in the plan, or contract with the township for their future construction with the assessment costs and construction being levied over an agreed upon time frame.

f. *Screening.* All sites must meet the minimum screening requirements listed elsewhere in this chapter for both storage and/or industrial uses located next to existing residential zoning districts or uses.

g. Review and approval of the charter township of Port Huron fire and building departments are required for the special use approval subject to any code requirements, conditions or requirements necessary to provide a safe operation to the surrounding areas.

h. *Engineering.* Any improvements required by these additional requirements are subject to review and approval by the township engineers' office in compliance with the site plan review requirements and the zoning administrator's review and approval, as well as all federal, state, county agencies and other ordinance requirements, with resultant costs being paid for by the applicant.

(5) *Permits, guarantees and violations.* All requirements, conditions and/or bonds listed for all other site plan or special use approval developments shall be required to be provided by the applicant prior to the issuance of any necessary permits and/or certificates of occupancy.

(b) *Golf course projects.*

(1) *Location.* The site is so located as to have at least one property line abutting a major thoroughfare of not less than 120 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto said major thoroughfare or a marginal access service drive thereof.

a. Except as approved pursuant to subsection (b)(2) of this section, all development features include the principal building, on-site housing units (maximum of two stories), and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of 200 feet to the property line of abutting residentially zoned lands and public rights-of-way, provided that where topographic conditions are such that the

building would be screened from view, the planning commission may modify this requirement.

b. A multiple-family and/or single-family housing unit site plan shall be submitted by the board of directors or other governing body of the golf course to the planning commission for its review and the approval subject to compliance with article II, division 2 of this chapter.

(2) *Accessory uses.* Major accessory uses that are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a clubhouse. Minor accessory uses which are strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop, may be located in separate buildings.

(3) *Swimming pool.* 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 or turnstile.

(4) *Parking.* Off-street parking shall be provided in accordance with the provisions of article II, division 2 of this chapter.

(5) *Performance guarantee.* A performance guarantee shall be deposited with the township to ensure faithful completion of improvements, in accordance with section [40-82](#).

(Ord. No. 147-43, § 7.004, 12-15-2003; Ord. No. 241, 6-19-2017)

40-855 Regulated uses.

(a) *Scope of regulations.* In the development and execution of these zoning regulations, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several such uses are concentrated in certain areas, thereby causing a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood. These special regulations are itemized in this section. The primary purpose of these regulations is to prevent a concentration of such uses in any one area, i.e., not more than two such uses within 1,000 feet of each other. The establishment of the following kinds of uses is prohibited if the establishment of any one of the following uses constitutes the third such use within a 1,000-foot radius:

- (1) Adult book or supply store.
- (2) Adult model studio.
- (3) Adult motion picture arcade.
- (4) Adult motion picture theater or adult live stage performing theater.

- (5) Adult outdoor motion picture theater.
- (6) Adult physical cultural establishment.
- (7) Arcade.
- (8) Bar/lounge/tavern.
- (9) Cabaret.
- (10) Fortunetelling and similar uses.
- (11) Massage parlor or massage establishment.
- (12) Pawnshop or collateral loan or exchange establishments.
- (13) Pool or billiard hall.
- (14) Public lodginghouse.
- (15) Smoke shops.
- (16) Specially designated distributor's establishment.
- (17) Specially designated merchant's establishment.
- (18) Tattoo parlor.

(b) *Application procedure.* Application to establish any of the above regulated uses shall be made to the zoning administrator, who shall not approve any such application if there are already in existence two or more such regulated uses within a radius of 1,000 feet of the outermost boundaries of the lot upon which the proposed regulated use will be situated.

(c) *Waivers.* Upon denial of any application for a regulated use under subsection (b) of this section, the applicant may appeal for a waiver of the locational provisions above to the board of zoning appeals consistent with the standards set forth below. The board may waive the locational provisions set forth in subsection (b) of this section, after all the following findings are made:

- (1) Compliance with regulations. The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties.
- (2) Not enlarge district. The proposed use will not enlarge or encourage the development of a skid row or

strip.

(3) Consistent with programs. That the establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development.

(4) Consistent with law. That all applicable township, state or federal laws and regulations will be observed.

(d) Procedure for waiver. Prior to granting a waiver of the locational restrictions set forth above, and not less than five, nor more than 15 days before the request for waivers is considered or a public hearing held pursuant to this section, the board shall publish, in a newspaper of general circulation in the township, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered and to all persons to whom any real property is assessed within 300 feet of the boundary of the premises in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

(1) Notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each dwelling unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(2) Notice contents. The notice of application shall:

- a. Inform the recipient of the applicant's name;
- b. Describe the nature and type of use proposed;
- c. Indicate the local address, the lot number and subdivision name of the property in question; and
- d. Provide the section of this chapter under which the proposal is being processed.

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

(3) Hearing requests. The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant of a structure located within 300 feet of the boundary of the property being considered for the regulated use. If the applicant or the board requests a

public hearing under this section, any interested person may be represented by a person, firm, organization, partnership, corporation, board or bureau.

(e) Establishment prohibited near schools, residential zones.

(1) Restrictions. It shall be unlawful to hereafter establish any regulated use if the proposed regulated use will be within a 300-foot radius of a residentially zoned district, or within a 500-foot radius of any nursery, primary school or secondary school. This prohibition relative to the establishment of a regulated use near residentially zoned districts shall be waived upon the presentation to the board of zoning appeals of a validated petition requesting such waiver, signed by at least 51 percent of all those persons owning, residing or doing business within 300 feet of the proposed location. No waivers shall be given to permit a regulated use to locate within a 500-foot radius of any nursery, primary school or secondary school.

(2) Petitions for waiver. The zoning administrator may adopt rules and regulations governing the procedure for securing any petition of waiver, which may be provided for this section. The rules shall provide that the circulator of the petition requesting a waiver shall be over 18 years, and subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with those rules, and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the persons whose names appeared thereon.

(3) Filing of waiver. The zoning board of appeals shall not consider the waiver of locational requirements until the above described petition, if required, shall have been filed and verified by the zoning administrator.

(4) Conditions of approval. Prior to the granting of approval for the establishment of any regulated use, the board of appeals may impose any conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(Ord. No. 147-43, § 7.005, 12-15-2003)

40-856—40-873. Reserved.

ARTICLE VIII. PERFORMANCE STANDARDS

40-874. Intent and scope of regulations.

(a) Intent. The purpose of this article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his property, or that might cause harm to the public health, safety and welfare.

(b) Scope of regulations. After the effective date of the ordinance from which this chapter is derived, no structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed or moved except in conformity with all applicable performance standards set forth in this article. No site plan shall be approved unless evidence is presented to indicate conformity with the requirements of this article.

(c) Submission of additional data. Nothing in this article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the planning commission may waive or modify the regulations set forth in this article, provided that the planning commission finds that no harm to the public health, safety and welfare will result and that the intent of this chapter will be upheld.

(Ord. No. 147-43, § 8.001, 12-15-2003)

40-875. Performance standards.

No activity, operation or use of land, buildings or equipment shall be permitted if such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards set forth in this section.

(1) Noise and vibration.

- a. Definitions. The terms used in this section shall have the meaning ascribed to them as follows. Terms used in this section but not defined below or in section [40-3](#) shall have the meaning ascribed to them by the American National Standards Institute (ANSI) or its successor body.

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

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

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

Impulsive sound means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and discharge of firearms.

Noise disturbance means any sound which:

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

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

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

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

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

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

b. Prohibited acts.

1. Noise disturbances prohibited. No person shall make, continue or cause to be made or continued, any noise disturbance.
2. Loading and unloading. Loading and unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.
3. Construction. Operation of any tools or equipment used in construction, drilling or demolition work shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential district boundary or within a noise sensitive zone, except for emergency work of public

service utilities.

4. Vibration. Operating any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this section, the term "vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

5. Noise sensitive zones. Creating any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, provided that conspicuous signs are displayed indicating the presence of the zone.

c. Exceptions.

1. Emergency exceptions. The provisions in this section shall not apply to:

- (i) The emission of sound for the purpose of alerting persons to existence of an emergency; or
- (ii) The emission of sound in the performance of emergency work.

2. Additional exceptions. The provisions in this section shall not apply to the following activities, provided that such activities are conducted in a legally accepted manner:

- (i) Snow plowing, street sweeping and other public works activities.
- (ii) Church bells, chimes and carillons.
- (iii) Lawn care and house maintenance that occurs between 9:00 a.m. and 9:00 p.m.

d. Variances. An application for a variance from the provisions in this section may be submitted to the zoning board of appeals. The owner or operator of equipment on the property shall submit a statement regarding the effects of noise from the equipment on the overall noise level in the area. The statement shall include a study of the background noise levels, predicted level on noise at the boundary line due to the proposed operation, and justification for the variance. Upon review of the request for a variance, the zoning board of appeals may grant a variance where strict adherence to the permitted sound level would create unnecessary hardship and only if the variance will not create a threat to the health, safety and welfare of the public. The zoning board of appeals may impose conditions of operation when granting a variance.

e. Maximum permitted sound levels by receiving zoning district. No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving zoning district in table A when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels (Ldn).

Table A

Maximum Permitted Average A-Weighted Sound Levels	
Receiving zoning district	Average sound time level (dB(A))
Residential–7:00 a.m. to 10:00 p.m.	55
Residential–10:00 p.m. to 7:00 a.m.	50
Commercial (not noise sensitive)– Day/night	65
Commercial (noise sensitive)– Day/night	55
Industrial–Day/night	70

Footnotes:

- a. Correction for tonal sounds. For any source of sound which emits a pure tone sound, the maximum sound level limits in table A shall be reduced by five dB(A) where the receiving district is residential or commercial noise sensitive.
- b. Correction for impulsive or impact-type sounds. For any source of sound which emits an atypical impulsive or impact-type sound, the maximum sound level limits in table A shall be reduced by five dB(A) where the receiving district is residential or commercial noise sensitive.
- c. Planned development. Where the receiving district is a planned development district, the applicable standard in table A shall be based on the most noise sensitive use within the planned development.

The requirements stated above in this section shall not apply to the activities covered by subsection (1)c of this section.

- f. Permitted land use. No new or substantially modified structure shall be approved for construction unless the owner or developer of such land demonstrates that the completed structure and the activities associated with and on the same property as the structure will comply with the sound/noise

standards set forth in subsection (1) of this section at all times of full-scale operation of such activities.

(2) Dust, smoke, soot, dirt, fly ash and products of wind erosion.

a. Dust, smoke, soot, dirt, fly ash and products of wind erosion shall be subject to the regulations established in conjunction with the air pollution act, Part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

b. The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from materials, products or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing or other means.

(3) Odor. Offensive, noxious or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant or animal life.

(4) Glare and heat. Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

(5) Fire and safety hazards.

a. General requirements. The storage and handling of flammable or combustible liquids or gases, and explosives shall comply with all applicable federal, state, county and local regulations. All underground storage tanks shall be registered with the state department of environmental quality, in accordance with Part 211 of Public Act No. 451 of 1994 (MCL 324.21101 et seq.). The location and contents of all such tanks shall be indicated on the site plan.

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

Proposed activity	Restrictions
Storage, utilization or manufacture of five lbs. or less	Permitted accessory use in I-L and I-H districts
Storage or utilization of over five lbs.	Special land use in I-L and I-H districts
Manufacture of over five lbs.	Not permitted

Detonable materials covered by these requirements include, but are not necessarily limited to the following:

1. All primary explosives such as lead azide, lead styphnate, fulminates and tetracene.
 2. All high explosives such as TNT, RDX, HMX, PETN and picric acid.
 3. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides and hydrazine and its derivatives.
 4. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate.
 5. Blasting explosives such as dynamite and nitroglycerine.
 6. Unstable organic compounds such as acetylides, tetrazoles and ozonides.
 7. Strong unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than 35 percent.
 8. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.
- c. Liquefied petroleum gas. The storage or utilization of liquefied petroleum gas shall be permitted subject to approval by the fire chief and the following restrictions:

Proposed activity	Restrictions
Storage,	Permitted

utilization of 80 lbs. or less	accessory use in all districts
Storage, utilization of more than 80 lbs.	Permitted in I-L and I-H districts

(6) Sewage wastes and water pollution. Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal, state, county and local regulatory agencies, including the state department of public health, the state department of environmental quality, the county health department, and the U.S. Environmental Protection Agency.

(7) Gases. The escape of or emission of any gas which is injurious or destructive to life or property, or which is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the air pollution act, Part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.), the federal Clean Air Act of 1963, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart, which is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a federal, state, county or local regulatory agency which has jurisdiction:

Gas	Maximum emissions level	Sampling period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hour
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hour
Lead	1.5 ug/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours

Beryllium	2.0 ug/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

(8) Electromagnetic radiation and radio transmission. Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television or other electronic equipment on surrounding or nearby property.

(9) Radioactive materials. Radioactive materials, wastes and emissions, including electromagnetic radiation such as from an X-ray machine, shall not exceed levels established by federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

(Ord. No. 147-43, § 8.002, 12-15-2003)

40-876. Procedures for determining compliance.

In the event that the township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

(1) Official investigation.

a. Upon receipt of evidence of possible violation, the building official and/or the zoning administrator shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. If a violation is suspected, the facts shall be reviewed by the township attorney to determine if an official investigation should be initiated.

b. Upon the initiation of an official investigation, the township attorney, with assistance from the building official and/or the zoning administrator, is empowered on behalf of the township to require the owner or operator of the facility in question to submit data along with any evidence deemed necessary to make an objective determination regarding the possible violation within a time period specified by the township attorney, but in every case a reply must be forthcoming within seven calendar days from the receipt of a notice by the owner. Failure of the owner or operator to supply requested data within the stated time period shall be considered an admission of violation and provide prima facie evidence of grounds for taking any action, including appropriate legal action, to terminate the use and/or deny or cancel any permits or licenses required for continued use of the land. Data which may be required includes, but is not limited to, the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.
 2. A description of the existing or proposed machinery, processes and/or products.
 3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this article.
 4. Measurement of the amount or rate of emissions of the material, including, but not limited to, heat, sound and glare, purported to be in violation.
 5. Copies of any studies, reports, specifications and any other compilation of data, including, but not limited to, Resource Conservation and Recovery Act (RCRA) filings.
- (2) Method and cost of determination.
- a. The building official, under direction of the township attorney, shall take measurements, or cause measurements to be taken by a competent contractor, and complete the investigation necessary to make an objective determination concerning the alleged violation. Where required measurements and investigation can be accurately made by the building official using equipment and personnel normally available to the township without extraordinary expense, such measurements and investigation shall be completed before a notice of violation is issued. If skilled personnel and specialized equipment or instruments are necessary, they shall be secured by the building official in order to make the required determination.
 - b. If the alleged violation is found to exist in fact, all costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be allowable. If the bill is not paid within 30 days, the township shall take all appropriate actions to recover its costs, including charging costs against the property where the violation occurred. If following the investigation, it is determined that no substantive violation exists, then all costs of this determination shall rest with the township.
- (3) Appropriate remedies. If, after appropriate investigation, the building official determines that a violation does exist, the building official shall take or cause to be taken lawful action as provided by this chapter or any state or federal regulation to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The building official shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:
- a. Correction of violation within time limit. If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the building official shall note "Violation corrected" on

the township's copy of the notice, and the notice shall be retained on file. If necessary, the building official may take other action as may be warranted by the circumstances of the case, pursuant to this chapter and any other applicable regulation.

b. Violation not corrected and no reply from owner or operator. If there is no reply from the owner or operator within the specified time limits, and the alleged violation is not corrected in accordance with the regulations set forth in this article, then the building official shall take any action reasonably calculated to correct or abate the violation.

c. Reply requesting extension of time. If the alleged violator responds to the township within the specified time limit of the original notice and requests an extension of time, the building official shall review the information submitted with the reply. Upon finding that an extension is warranted because of unique circumstances and that an extension will not cause imminent peril to life, health or property, the building official may extend the specified time limit to a date certain, if the building official concurs that:

1. The information requested pursuant to subsection (1) of this section is impractical to readily produce;
2. An extreme hardship exists; or
3. The reply indicates that an alleged violation shall be corrected or abated by the date certain and that all future operations shall comply with the regulations as set forth herein.

d. Reply requesting technical determination.

1. If a reply is received within the specified time limit requesting further review and technical analysis even though the alleged violations continue, then the building official may call upon properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.
2. If the findings of the expert indicates that an alleged violation of these performance standards exist in fact, the person responsible for the violations shall pay all costs incurred in making such a determination, in addition to such other penalties as may be appropriate under the terms of this chapter or other applicable regulations. Such costs shall be billed to those owners or operators of the subject use who are deemed responsible for the violation. If the bill is not paid within 30 calendar days, the township shall take whatever appropriate action is necessary to recover such costs, or alternatively, the cost shall be charged against the property where the violation occurred. If no substantial violation is found, cost of determination shall rest with the township.

(4) Continued violation. If, after the conclusion of the time period granted for compliance, the building official find that the violation continues to exists or is reinstated, any permits issued shall be considered

void and the township may initiate appropriate legal action, including possible pursuit of remedies in the county circuit court.

(Ord. No. 147-43, § 8.003, 12-15-2003)

40-877—40-900. Reserved.

ARTICLE IX. CONDOMINIUMS¹

40-901. Intent and scope of regulations.

The purpose of this article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New condominium projects and conversion condominium projects shall conform to the requirements of this chapter and all other applicable regulations of the township and the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.). Each condominium project shall be reviewed in a manner consistent with like projects within the underlying zoning district. A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing the site and building standards of the township. It is the intent to regulate site condominium projects and other condominium projects in a manner consistent with a traditional subdivision plat, except that the review procedures within this article shall apply.

(Ord. No. 147-43, § 14.001, 12-15-2003)

40-902. General requirements.

The following regulations shall apply to condominium projects:

- (1) Condominium lot. For all purposes of this chapter, each condominium lot or unit lot shall be considered the equivalent of a platted lot of record as defined in section [40-3](#) and shall comply with all applicable regulations for the zoning district in which it is located. The relocation of the boundaries or any other change in the dimensions of a condominium lot or unit lot shall be considered an amendment to the condominium documents of the project and the related site plan.
- (2) Area computation. Any area within a public or private street right-of-way shall not be included in the computation of the minimum area of a condominium lot or in determination of dwelling density for a site.
- (3) Condominium units.
 - a. Single-family detached units. In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes, not more than one single-family dwelling unit shall be proposed or constructed on a condominium lot, nor shall any dwelling unit be located on a condominium lot with any other principal use. The condominium unit shall be considered a lot under this chapter.
 - b. Attached or multiple residential units. A condominium project created by the construction of multiple or attached residential units containing individually owned condominium units and, in the case of the conversion of existing multifamily or attached units into individual condominium units, the buildings and units shall meet all requirements of the underlying zoning district.
 - c. Nonresidential condominium units. A nonresidential condominium project, either new building construction or the conversion of existing building into individual condominium units, the buildings shall

meet all bulk and area requirements of the underlying zoning district and the use shall meet all requirements of this chapter.

- (4) **Setbacks.** Yard setback requirements as specified in article III, division 5 of this chapter shall be measured from the perimeter of the condominium lot to the appropriate part of a structure.
- (5) **Utility connections.** Each condominium unit shall be separately connected to any available community or public water supply and/or sanitary sewer system. This requirement may be waived by the board of trustees for cause upon recommendation of the township engineer.
- (6) **Relocation of lot boundaries.** Relocation of condominium lot boundaries, if allowed in the condominium documents, as permitted in section 48 of the Condominium Act, shall comply with the requirements of article III, division 5 of this chapter, and shall be subject to the site plan review procedures stated in article II, division 2 of this chapter.
- (7) **Resulting lots.** Each condominium lot formed by the relocation of an existing condominium lot boundary, as permitted by section 49 of the Condominium Act, shall comply with the requirements of article III, division 5 of this chapter, and shall be subject to the procedures stated in article II, division 2 of this chapter.
- (8) **Roads in condominium projects.** All condominium projects shall require direct access and direct connection to a public road from the project site. All public or private roads within a condominium project shall conform to the standards and specifications of this chapter and those established by the county road commission and/or the township board of trustees for road design and maintenance.

(Ord. No. 147-43, § 14.002, 12-15-2003)

40-903. Review requirements.

A condominium project shall be subject to the site plan review requirements in article II, division 2 of this chapter.

- (1) **Optional tentative review.** A developer of a condominium may seek an optional tentative condominium site plan review prior to the forwarding of the ten-day notice of proposed action as required in section 71 of the Condominium Act (MCL 559.171). A tentative approval may be beneficial to the developer of a site condominium as it parallels a tentative preliminary plat (see section [40-907](#)).
- (2) **Preliminary review.** Prior to recording of the master deed of the condominium project as required by section 72 of the Condominium Act (MCL 559.172), each condominium project shall be reviewed by the planning commission and receive a preliminary condominium site plan approval from the township board (see section [40-908](#)).

(3) Final review. Prior to receiving a permit for construction of any improvements to the land, a condominium project shall be reviewed by the planning commission and receive final condominium site plan approval from the township board (see section [40-909](#)).

(Ord. No. 147-43, § 14.003, 12-15-2003)

40-904. Required information for optional tentative condominium site plan.

Application for a tentative condominium site plan review may be provided to the zoning official at least 30 days in advance of a meeting for which a review is scheduled. The tentative review will allow a developer to receive a limited approval for unit lot sizes, unit lot orientation and street layout only. The following information must be included on, or attached to, a tentative condominium project site plan:

- (1) Ownership interests. All persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (for example, fee owner, option holder, lessee or land contract vendee).
- (2) Proposed use. The proposed use of the condominium project (for example: residential, commercial, industrial).
- (3) Density. The total acreage of the condominium site, acreage set aside for roads, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
- (4) Circulation. The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any street as to private ownership or proposed dedication to the public.
- (5) Road layout. The tentative location of existing private and public roads adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new condominium project.
- (6) Unit lot orientation. The proposed layout of structures, unit lots, parking areas, open space and recreation/park areas.
- (7) Drainage. Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention and/or detention areas.
- (8) Natural features. Specific locations and dimensions of wetland areas, wetland buffers, floodplain and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. Acreage of wetland areas and open space.

(Ord. No. 147-43, § 14.004, 12-15-2003)

40-905. Preliminary plan information.

A preliminary site plan for a condominium project shall be provided to the zoning official at least 30 days in advance of a meeting for which a review is scheduled. The site plan may be reviewed and processed concurrently with the notice required to be given the township pursuant to section 71 of the Condominium Act. The following information shall be included on, or attached to, a preliminary condominium project site plan:

- (1) Landscaping. Proposed landscape screening, including greenbelt and berms, and screening walls and a maintenance plan detailing maintenance responsibilities.
- (2) Condominium regulations. All deed restrictions or other regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments and enforcement of condominium regulations. These items shall be physically incorporated as part of the site plan through detail sheets attached with the plan.
- (3) Common areas shown. Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.
- (4) Documents. All condominium documents must be provided for review by the township attorney.
- (5) Additional information. The following additional information must be submitted for township review:
 - a. Cross sections of roads, drive aisles and paved areas.
 - b. Preliminary approval by the county health department and drain commissioner of proposed septic, sanitary, storm and/or water system locations.
 - c. All condominium documents as defined in this chapter.
 - d. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

All information required for the optional tentative site plan review in section [40-904](#) shall be submitted. If tentative approval was received, the information must be updated with any changes clearly delineated.

(Ord. No. 147-43, § 14.005, 12-15-2003)

40-906. Project standards.

The following standards are applicable to condominiums:

- (1) Underlying zoning requirements. Condominium units shall be subject to all dimensional and area requirements and other design standards for the zoning district in which they are located as stated in the schedule of regulations, article III, division 5 of this chapter. Proposed residential condominium projects consisting of multiple condominium units in a building or otherwise attached condominium units shall not exceed the maximum permitted density for the zoning district in which the project is located and shall comply with all minimum dimensional and design standards set forth for the underlying zoning district. All dimensions and required information shall be shown on the site plan so that the planning commission and township board of trustees can clearly determine that applicable minimum requirements are met.
- (2) Single-family site condominiums. Single-family site condominium units and unit lots shall be subject to all dimensional and area requirements for lots and other township design standards for the zoning district in which they are located as stated in the schedule of regulations, article III, division 5 of this chapter and other requirements of this chapter. These regulations shall be applied by requiring that the minimum area of the condominium unit and the surrounding limited common element be at least equal to the minimum lot area and lot width requirements for lots of record in the district in which the project is located. The area that the condominium unit encompasses for the principal building and the surrounding limited common element shall incorporate, at a minimum, the equivalent of the minimum yard setback requirements as defined within this chapter and shall meet all the dimensional requirements of a lot for the zoning district in which it is located.
- (3) Nonresidential site condominiums. Commercial, office or industrial condominium projects shall be subject to all requirements applicable to the zoning district in which they are located. These regulations shall be applied by requiring that the minimum area of the site condominium unit and a surrounding limited common element be at least equal to the minimum area and width requirements for the appropriate district in which the project is located. The uses contained in a commercial, office or industrial site condominium project must be appropriate as allowed uses of the underlying zoning district.
- (4) Subdivision requirements. The substantive requirements for streets, sidewalks, utilities, storm drainage and subdivision lot layout and design as set forth in the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), and subdivision regulations of the township, are intended to apply to all site condominium projects.
- (5) Conversion condominiums. All conversion condominium projects shall be subject to the provisions of this chapter and shall require site plan approval by the planning commission prior to the occupancy of any converted condominium unit. The site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site changes. The township planning commission will review the site plan for a condominium conversion as a new site plan and may modify any previous site plan approval.

Approval of a conversion condominium site plan shall be subject to site plan requirements and review of the planning commission.

(Ord. No. 147-43, § 14.006, 12-15-2003)

40-907. Optional tentative review.

Based upon the design standards and requirements set forth in this chapter, the township planning commission shall review and make a recommendation to the township board of trustees for an optional tentative condominium site plan. The board shall tentatively approve, tentatively approve subject to conditions, or deny the site plan.

(1) Effect of denial. A denial shall mean that the site plan for the proposed condominium project does not meet the requirements of this chapter. A board of trustee's motion of denial shall specify the reasons for the denial and those requirements which are not met.

(2) Effect of tentative approval. A tentative approval shall confer upon the developer the approval of unit sizes, unit orientations and street layout only. All required additional information must be submitted and reviews processed. A tentative preliminary site plan approval shall be valid for one year from the date of approval.

(Ord. No. 147-43, § 14.007, 12-15-2003)

40-908. Preliminary review.

Based upon the design standards and requirements set forth in this chapter, the township planning commission shall review and make a recommendation to the township board of trustees for a preliminary condominium site plan. The board shall preliminary approve, preliminary approve subject to conditions, or deny the site plan.

(1) Effect of denial. A denial shall mean that the site plan for the proposed condominium project does not meet the requirements of this chapter. A board of trustee's motion of denial shall specify the reasons for the denial and those requirements that are not met.

(2) Effect of approval. A preliminary approval shall mean that the site plan for a condominium project meets the requirements of this chapter. Subject to any conditions imposed by the township board of trustees as part of its motion of approval, a preliminary approval ensures the applicant that the project and site plan shall receive final approval if:

- a. The applicant meets the requirements as stated in article II, division 2 of this chapter for final site plan approval;
- b. All other governmental approvals are obtained;

- c. No substantive negative comments are received from any governmental agencies or public utilities during the required notice period; and
- d. All federal, state and local laws and ordinances are met. All site condominium projects shall require the review and approval or comments from the following agencies prior to final site plan review by the township:
 1. The county road commission if any part of the project includes or abuts a county road;
 2. The county drain commissioner; and
 3. The state department of public health and/or the state department of environmental quality (MDEQ) shall approve the extension of the water and sewer utilities.

A preliminary condominium site plan approval shall be valid for a period of two years from the date of township board of trustees approval.

(Ord. No. 147-43, § 14.008, 12-15-2003)

40-909. Final site plan review.

The developer or proprietor may request final approval by submitting to the township the following items:

- (1) Revised plan. A revised, dated condominium plan incorporating all of the changes, if any, required for preliminary approval.
- (2) Approvals or comments. Verification of all required state and county approvals or comments pursuant to section [40-908\(2\)](#).
- (3) Section 71 comments. Presentation of all comments pursuant to section 71 of the Condominium Act (MCL 559.171).
- (4) Condominium documents. Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium site plan.

(Ord. No. 147-43, § 14.009, 12-15-2003)

40-910. Commission recommendation.

The planning commission shall review and recommend an action to the township board of trustees regarding a site plan submitted for final approval. The board may approve or deny the site plan.

- (1) Effect of denial. A denial shall mean that the final site plan for the proposed condominium project fails to satisfy one or more of the following:

- a. The requirements of this chapter;
- b. The conditions of preliminary site plan approval;
- c. The standards of other jurisdictions reviewing the plan;
- d. That a discrepancy exists between the township approved preliminary site plan and the condominium documents or site plan as required by the Condominium Act.

A motion of denial shall specify the reasons for the denial.

(2) Effect of approval. Final site plan approval shall mean that, subject to any conditions imposed by the township board of trustees as part of its motion of approval, the site plan for a condominium project meets the requirements of this chapter and that the project has verified that:

- a. All other governmental approvals are obtained;
- b. No substantive negative comments are received from governmental agencies or public utilities during the required notice period; and
- c. All federal, state and local laws and ordinances are met. All site condominium projects shall require the review and approval or comments from the following agencies prior to final site plan review by the township:
 1. The county road commission if any part of the project includes or abuts a county road;
 2. The county drain commissioner; and
 3. The state department of public health and/or the state department of environmental quality shall approve the extension of the water and sewer utilities.

The township building official may issue applicable permits for construction following the payment of required fees. A final site plan approval shall be valid for a period of two years from the date of township board of trustees approval.

(Ord. No. 147-43, § 14.010, 12-15-2003)

40-911. Monuments.

All site condominium projects shall be marked with monuments as follows:

- (1) Required. Monuments shall be placed in the ground according to the requirements of subsections (2)

through (5) of this section, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

(2) Construction. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.

(3) Location. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.

a. Reference. If the required location of a monument is inaccessible, or if the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

b. Steel rods. If a point required to be monumented is on a bedrock outcropping, a steel rod at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.

c. Set at grade. All required monuments shall be placed flush with the surrounding grade where practicable.

(4) Condominium unit corners. Each condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or by markers approved by the township engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

(5) Timing. The township board of trustees, on recommendation of the township engineer, may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, following the date of final site plan approval, on the condition that the proprietor deposits with the township clerk cash or a certified check, or irrevocable bank letter of credit running to the township, whichever the proprietor selects, in an amount approved by the township. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(Ord. No. 147-43, § 14.011, 12-15-2003)

40-912. Post construction requirements.

(a) Document submittals.

(1) Township. It shall be the responsibility of a developer or proprietor of a condominium project to furnish the township, through the building official, the following items:

- a. One copy of the recorded master deed;
- b. One copy of all restrictive covenants;
- c. Two copies of an as-built survey sealed by a licensed professional engineer, landscape architect or registered planner;
- d. One copy of the site plan sealed by a professional engineer, landscape architect or registered planner on a Mylar sheet of at least 13 by 16 inches with an image not to exceed 10½ by 14 inches; and
- e. One GIS compatible copy of the project site plan clearly showing unit lot lines and other area division, in an electronic format that is acceptable to the township.

The above documents must be submitted prior to the township building official issuing any certificate of occupancy to any structure within the condominium project.

(2) County. The developer or proprietor must also furnish the following to the county register of deeds:

- a. One copy of the site plan sealed by a professional engineer, landscape architect or registered planner on a Mylar sheet of at least 13 by 16 inches with an image not to exceed 10½ by 14 inches.
- b. Other information required for recording the plan.

(b) Temporary occupancy. The township board of trustees, upon recommendation from the township building official, may allow occupancy of a condominium unit before all required improvements are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of all remaining improvements without expense to the township before the expiration of the temporary occupancy permit.

(c) Plan revisions. If the condominium subdivision plan as required by the Condominium Act is revised, the final site plan shall be revised accordingly and submitted for review by the planning commission and approval by the township board of trustees prior to the issuance of any additional building permit. A new condominium site plan review, consistent with the procedures of these regulations, shall be required for any major change to an approved site plan as defined by the standards stated in section [40-52\(e\)\(9\)](#).

(d) Amended documents. An amendment to any condominium document that affects the preliminary or final site plan, or any conditions of the preliminary or final site plan approval, shall be approved by the township board of trustees prior to the issuance of a building permit. The township board of trustees may require a new site plan

review of the amended site plan if, in its sole opinion, such changes in a document require significant changes to an approved site plan.

(Ord. No. 147-43, § 14.012, 12-15-2003)

40-913—40-942. Reserved.

¹**State Law reference**—Condominium act, MCL 559.01 et seq.

ARTICLE X. SIGNS AND OUTDOOR ADVERTISING¹**40-943. Intent and scope of regulations.**

It is the purpose of this article to permit and to establish regulations for the use of signs and other outdoor advertising in the township. Through the requirements of this article, it is intended that signs and outdoor advertising will:

- (1) Have minimal impact on the scenic and natural beauty of the township;
- (2) Create more visually attractive nonresidential districts;
- (3) Reduce distractions that have the potential to interfere with the orderly flow of traffic and endanger public health and/or safety; confuse or mislead traffic; or obstruct vision necessary for both traffic and pedestrian safety;
- (4) Reduce safety hazards caused by signs over-hanging or projecting over rights-of-way;
- (5) Avoid the negating effect of adjacent signs and prevent the placement of signs in a manner that will conceal or obscure other signs on adjacent sites;
- (6) Prevent an excessive accumulation of signs that cause visual clutter and have an adverse effect upon the aesthetic character of the zoning district in which they are located and upon the overall aesthetic character of the township;
- (7) Maintain neighborhood character and retain the value of surrounding properties;
- (8) Keep the number of signs and sign messages to a minimum number that is reasonably necessary to identify a business and its products;
- (9) Foster a reasonable scale with respect to the buildings or property to which they relate;
- (10) Avoid conflict among business, residential and public land uses.

(Ord. No. 147-43, § 15.001, 12-15-2003)

40-944. Exempt signs.

The following signs shall be exempt from the permit requirements of this article. Exemptions shall not be construed as relieving an exempt sign from the responsibility of complying with applicable requirements stated in this section. The exemption shall apply to the requirements for sign permit only. Should the sign fail to comply with any stated requirement, it shall be considered obsolete and a nuisance. No sign permit shall be required for the erection of the following exempt signs:

- (1) Minimal size. Any size in any zoning district with an area of one square foot or less, not to exceed one sign per premises.
- (2) Historic designation. Historic signs designating sites recognized by the state historical commission or local governmental body or agency.
- (3) Regulatory. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal devices or warnings at railroad crossings.
- (4) Building markers. Building markers, memorial tablets or similar signs.
- (5) Governmental. Signs required to be maintained by law or governmental order, rule or regulation; provided that they do not exceed 48 square feet.
- (6) Directional. Signs directing traffic on private property, but bearing no advertising matter or signs displayed for the direction or convenience of the public, including signs that identify rest rooms, location of public telephones, public entrances, freight entrances or the like, with a total surface area that does not exceed six square feet per sign on any lot or parcel.
- (7) Yard sale. Yard sale signs, provided that no person shall attach in any way posters, notices or advertisements to utility poles, meter posts or trees in or along any street right-of-way within the township; and provided further that no person shall put up any notice upon any building, wall or fence or on the property of another person without having first obtained the written consent of the owner of such property. The maximum time limit for all yard sale signs is three consecutive days within six calendar months.
- (8) Gasoline sale. Gasoline price signs, subject to the review and approval of the planning commission through the site plan review process stated in article II, division 2 of this chapter. In no instance shall the total sign area for approved gasoline price signs exceed 12 square feet. At gasoline stations, corporate identification signs of less than ten square feet each, attached directly to a canopy providing coverage to pump islands, shall be subject to the review and approval of the planning commission through the site plan review process as stated in article II, division 2 of this chapter.
- (9) Window. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to and identifying only the lawful business conducted therein.
- (10) Murals. Wall murals and similar graphics not used for commercial purposes.
- (11) Political. Nonilluminated temporary signs promoting political parties, candidates or proposals. Political signs are to be removed within three days after the completion of election activities. Signs in place beyond three days are declared to be abandoned and obsolete. Temporary political signs in residentially zoned areas shall not exceed six square feet in total for all signs so provided per each lot.

- (12) Religious. Special religious displays erected on church property and that are traditionally used for holidays and public announcements.
- (13) Site development. Signs that are part of a site development approved by the planning commission are exempt.
- (14) Real estate. One temporary sign advertising the rent, sale or lease of the lot or building not exceeding six square feet in area on any one lot. Such sign shall not be placed in the public right-of-way and shall be removed within 30 calendar days from the date such land or building is rented, leased and/or sold.
- (15) Decorative display. Special decorative displays or signs used for holidays, public announcements or promotion of civic welfare, patriotic or charitable purposes when not used for a commercial purpose (see section [40-951\(a\)](#)).

(Ord. No. 147-43, § 15.002, 12-15-2003)

40-945. Prohibited signs.

The following signs are expressly prohibited in any zoning district in the township:

- (1) Any sign that copies or imitates or in any way approximates an official highway sign or carries the words "stop" or "danger;" or any sign that obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information.
- (2) Any sign that displays flashing or intermittent lights or lights of changing degrees or intensity unless each interval in the cycle is five seconds or more and the sign does not constitute a traffic hazard.
- (3) Any sign that obstructs any window or door opening used as a means of egress or prevents free passage from one part of a roof to any other part thereof. A sign that interferes with an opening required for legal ventilation.
- (4) A sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be accessory.
- (5) Except as may otherwise be provided in this article, no sign or any portion thereof shall be permitted that moves or assumes any motion constituting a nonstationary condition except currently licensed vehicles and trailers that have painted upon them in a permanent manner the name and address of the owner.
- (6) Signs that are considered abandoned or obsolete.

- (7) Signs that are of a size, location, content, coloring or manner of illumination that may be confused with or construed as a traffic control device, or that hide from view any traffic, or street signs or signals that obstruct the view in any direction at a street or road intersection.
- (8) Signs that contain statements, words or pictures of an obscene, pornographic or immoral character.
- (9) Signs that are painted on or attached to any fence or any wall that is not structurally a part of a building, except to identify a residence in compliance with section [40-948](#)
- (10) Signs that emit sound, odor or visible matter.
- (11) Roof or projecting signs not otherwise permitted in this article.
- (12) Exterior string lights used in connection with a commercial activity, other than holiday decoration.
- (13) Any sign that extends above any parapet or other architectural feature. For purposes of this requirement, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to noncommercial displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

(Ord. No. 147-43, § 15.003, 12-15-2003)

40-946. Sign permits.

(a) Permit required. Except for a sign allowed as an exempt sign in section [40-944](#), a sign permit shall be secured from the building official prior to the erection or structural alteration of a sign.

(b) Application information. Applications for sign permits shall be made upon forms provided by the building official and shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
- (4) Three blueprints or ink drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.
- (5) Name of the person, firm, corporation or association erecting the structure.

- (6) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.
- (7) Any electrical permit required and issued for said sign. Application requesting the electrical permit for the proposed sign must accompany the signed application for a sign permit.
- (8) A permit from the county road commission or the state department of transportation (MDOT) shall accompany the sign application in instances when a proposed sign would encroach or otherwise extend into county or state road right-of-way.
- (9) Such other information as may be required to show full compliance with township ordinances.

(c) Fees. Every applicant, before being granted a permit hereunder, shall pay to the township a permit fee for each sign or other advertising structure regulated by this chapter as established by resolution of the township board. A portion of the permit fee required for portable signs shall be refunded to the permittee upon compliance with the provisions of this article. Refunds shall be made in accordance with the fee schedule established by the township board.

(d) Permit review. It shall be the duty of the building official, upon receiving an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it appears that the proposed structure is in compliance with all the requirements of this article and all other laws and ordinances of the township, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within 12 months after date of issuance, the permit shall become null and void.

(Ord. No. 147-43, § 15.004, 12-15-2003)

40-947. Computations.

The following principles shall control the computation of the sign face and sign height:

- (1) Sign face. The area of a sign face (that is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- (2) Multifaced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign

faces that are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.

(3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- a. Existing grade prior to construction; or
- b. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

(Ord. No. 147-43, § 15.005, 12-15-2003)

40-948. Signs allowable in residential zoning districts.

Subject to the permit requirements of section [40-946](#) and in compliance with stated conditions, the following signs shall be allowed in the residential zoning districts of the township:

- (1) Residential development identification signs. Permanent residential development identification signs indicating only the name of the development and the management/developer thereof, subject to all of the following:
 - a. The residential development identification signs shall be monument signs.
 - b. No more than one residential development sign is allowed for each major point of vehicular access to development.
 - c. Residential development signs shall not exceed 50 square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of 100 square feet for the combined surface area of all sign faces.
 - d. Residential development identification signs shall not project higher than six feet, as measured from ground level or grade of the nearest adjacent roadway, whichever is higher.
 - e. Residential development identification signs may be located in any required yard but shall not extend over any lot line nor within ten feet of any point of any public right-of-way. The location and

arrangement of all residential development signs shall be subject to the review and approval of the planning commission. No residential development identification sign is allowed within a public right-of-way.

f. One temporary freestanding residential development sign in accordance with the requirements and provisions of section [40-951](#)

(2) Individual residential property signs.

a. Nameplate. One unlighted nameplate identifying the name of the occupant not to exceed two square feet in area. The nameplate shall be attached flat against the front wall of the building.

b. Home occupation. One unlighted sign not to exceed one square foot attached flat to the building identifying an allowable home occupation.

Unless otherwise provided in this article, the maximum sign surface area permitted on any lot in any residential district is two square feet.

(3) Public/semipublic identification signs. Two wall signs or two monument signs, or combination thereof, identifying a park, school, church, public building, other authorized use or lawful nonconforming use, each not exceeding 32 square feet in area and six feet in height. The sign shall be placed no closer to the street right-of-way line than one-third the minimum authorized front yard depth. All wall signs shall be attached to, and shall be parallel to, the wall of the building.

(4) Residential development sign. One temporary freestanding residential development sign advertising a recorded subdivision or development subject to all of the following requirements:

a. Maximum of 32 square feet in area;

b. Maximum of eight feet in height;

c. Shall be placed at least one-third of the minimum required front yard depth from any street right-of-way; and

d. Shall be removed upon the issuance of a temporary or final certificate of occupancy for 76 percent of the dwelling units within the development.

(Ord. No. 147-43, § 15.006, 12-15-2003)

40-949. Signs allowable in nonresidential zoning districts.

(a) General conditions for nonresidential signs.

(1) Number of signs permitted. Except as may be otherwise provided herein, there shall not be more than two signs allowed for any one business with frontage on a single public street or three signs allowed for a business or planned grouping of structures with frontage on more than one public street. Any business with a rear customer entrance is permitted one additional wall sign at said entrance with a maximum area of eight square feet.

(2) Maximum sign surface. Subject to the other provisions of this article, the maximum sign surface area permitted on any zoning lot in a nonresidential district shall be determined as follows:

a. The maximum sign surface area shall not exceed a total of one square foot of sign surface area per linear foot of lot street frontage up to a maximum 200 feet of frontage.

b. If a lot has frontage on more than one major thoroughfare, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on the street.

(3) Changeable copy signs. Unless otherwise specified by this article, any sign herein allowed may use manual or automatic changeable copy.

(b) Design requirements.

(1) Architectural features. All signs shall be placed in a manner that does not obstruct or intrude upon architectural features of a building.

(2) Materials. Sign materials shall complement the original construction materials and architectural style of the building facade.

(c) Illumination.

(1) General requirements. Signs may be illuminated only by steady, stationary, shielded light sources using approved electrical devices directed solely at the sign, or internal to it.

(2) Timer controls. Each illuminated sign shall be equipped with a functional timer control. No sign shall be illuminated after 10:00 p.m. or one-half hour following the close of the business day, whichever is later. No sign shall be illuminated before 6:00 a.m., or one-half hour prior to the beginning of the business day, whichever is earlier.

(3) Nonglare, shielded lighting. Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded and/or shielded so as not to project onto adjoining properties or thoroughfares.

(4) Traffic hazard. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

(5) Bare bulb illumination. Illumination by bare bulbs or flames is prohibited.

(d) Placement.

(1) Public right-of-way. No sign shall be located within, project into or overhang a public right-of-way, except as otherwise allowed herein.

(2) Setbacks. All signs shall comply with the setback requirements for the zoning district in which they are located as stated in this chapter, except as otherwise allowed herein.

(3) Measurement. The following guidelines shall be used to determine compliance with setback and distance measurements:

a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

b. The distance between a sign and a property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the property line.

c. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.

(4) Fastenings. All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables and other parts of such signs shall be kept painted and free from corrosion. No sign may be placed upon a tree or utility pole, except signs of a unit of government or utility.

(5) Support location No pole, cable or support of any nature shall be placed on any publicly-owned property, street right-of-way or proposed street right-of-way.

(6) Proximity to electrical conductors. No sign shall be erected so that any part including cables, guys, etc., will be within ten feet of any electrical conductor, electric light pole, street lamp, traffic light or other public utility pole or standard.

(7) Sanitation. Property surrounding any ground sign shall be kept clean, sanitary and free from obnoxious and offensive substances, free from weeds, rubbish and flammable material.

(8) Safety triangle. No sign shall be located within, project into or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) 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.

(e) Code compliance. All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the state construction code. Signs with electrical connections shall comply with electrical code requirements, including the application, inspection and approval of an electrical permit.

(f) Allowable signs. Subject to the permit requirements of section [40-946](#) and compliance with stated conditions, the following signs shall be allowed in the nonresidential zoning districts of the township:

(1) Wall signs.

- a. Flat wall signs may not project above the roof or parapet line and may not project more than 14 inches beyond the face of the wall of the building or other architectural feature. Wall signs shall be attached to, and be parallel to, the wall of the building.
- b. Wall signs shall be limited to one wall sign per business for each wall having an individual means of access. The maximum size of any such sign shall not exceed 50 percent of the building facade or 100 square feet, whichever is less.
- c. Where several tenants may utilize a common public entranceway, a common wall sign shall be permitted, provided that any such sign shall not exceed 50 percent of the building facade or 100 square feet in area for all tenants listed, whichever is less.
- d. Painted wall signs are subject to the review and approval of the planning commission and the following design standards:
 1. The appearance, color, texture and materials being used will not negatively impact property values in the immediate vicinity.
 2. The appearance of the sign will not detract from the general harmony of the immediate area and is compatible with the structures of the development and other structures existing in the immediate vicinity.
 3. The appearance of the sign will not be offensive to the sense of sight to passersby.
- e. In no circumstance shall the surface area of any sign located on a wall of a structure exceed 50 percent of the total surface area of the wall on which the sign is located.

(2) Freestanding signs.

- a. Except as authorized by this section, no development may have more than one freestanding sign.
 - b. If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets, then the development may not have more than one freestanding sign along each side of the development fronted on such streets.
 - c. If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double frontage lot), then the development may not have more than one freestanding sign on each side of the development bordered by such streets.
 - d. Except as may otherwise be provided in these regulations, the maximum surface area of a freestanding sign shall be determined as follows:
 1. A maximum of 50 square feet of surface area is allowed if the lot on which the sign is located has less than 200 feet of lot frontage on the street toward which that sign is primarily oriented.
 2. A maximum of 75 square feet in surface area is allowed on lots with 200 or more, but less than 400 feet of lot frontage.
 3. A maximum of 100 square feet in surface area is allowed on lots with 400 or more feet of frontage.
 - e. Monument signs may be substituted for an equal number of freestanding signs. In such cases, monument signs may be increased in area by 20 percent.
 - f. One freestanding identification sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial park or other integrated group of stores, commercial buildings, office buildings or industrial buildings. The sign area shall not exceed one square foot per linear front foot of the building for which it is erected. No such sign shall exceed 200 square feet in area. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each frontage. Individual freestanding signs shall be prohibited where tenants of a business center are location within a single building.
 - g. Except as may otherwise be provided herein, freestanding and monument signs shall be set back a minimum of three feet back of the property line, except that signs shall not be located closer than a distance equal to its height to an abutting residential district.
 - h. Freestanding signs shall not be located any closer than ten feet to a building wall.
- (3) Canopy signs.

- a. Canopies shall not project more than eight feet beyond a building facade or other architectural feature nor be closer than six feet to the curblin, or 18 feet from the pavement edge in case the pavement is not curbed.
- b. No canopy may project over a public road or public right-of-way.
- c. A minimum under clearance of eight feet shall be maintained.
- d. Canopies hereafter erected shall, whenever practicable, match the established underclearance, height and projection of canopies that exist on abutting parcels.

(Ord. No. 147-43, § 15.007, 12-15-2003)

40-950. Off-premises signs.

(a) General requirements for off-premises signs. Any off-premises sign shall comply with the following requirements:

- (1) Special use in zoning districts. The erection and commercial for profit operation of any off-premises sign or billboard in nonresidential zoning district, other than the I-L light industrial and I-H heavy industrial districts abutting freeways, shall require special use approval per section [40-79](#), conditioned upon the terms of this section, state law and other township ordinances or codes. Following the approval of a special use, a sign permit may be granted, subject to compliance with all of the standards contained within this section.
- (2) Allowable zoning districts. Off-premises signs or billboards are allowed as a principal use subject to special use approval in nonresidential zoning districts abutting freeways on a premises where no other principle structure exists. The sign must be constructed to be visible principally from the freeway and not from auxiliary roadways, side streets, traffic intersections or residential areas.
- (3) Location. An off-premises sign or billboard shall be constructed so that its principal view is fully screened from an interchange area involving merging traffic. Any off-premises sign or billboard shall comply with both of the following:
 - a. The billboard shall be located at least 500 feet from any residentially zoned area, historic district or outdoor park/recreational facility; and
 - b. The premises must have a roadway easement to a nonfreeway primary or secondary road such that the persons maintaining and servicing the sign may reach the site without danger from high speed traffic.
- (4) Billboard construction details. A billboard shall be constructed according to building codes and zoning

regulations adopted by the township that may apply to it and its surrounding premises.

(5) Height. A billboard shall comply with all of the following height requirements:

- a. The billboard shall be a maximum of 40 feet in height above the median ground level within a 500 feet radius of the site;
- b. The billboard shall be prohibited from:
 1. Extending above the tree line or horizon when viewed from any portion of the roadway that it faces;
 2. Being located on or over the roofs of buildings; and
 3. Projecting over any public easement or right-of-way.

(6) Surface display area. A billboard shall not exceed the state department of transportation (MDOT) specifications for surface display area and shall be limited to two faces. Faces may not be joined horizontally or vertically.

(7) Spacing and setbacks. A billboard shall not exceed MDOT specifications for spacing and setback requirements.

- a. There shall be a minimum of 100 feet between any off-premises advertising sign and any allowable on-premise sign; and
- b. The billboard shall be at least 500 feet from any park, school, church, hospital, cemetery or government building.

(8) Setback. Off-premises signs or billboards shall comply with all minimum setback requirements for a structure in the zoning district in which they are located.

(9) Sign face limitations. A billboard shall be prohibited from having moving, flashing, oscillating or other distracting parts visible to drivers or vehicles.

(10) Colors. Billboard colors used shall be natural to the area's vegetation, waters or sky and shall not include fluorescent or brilliant shades that may be distracting, except that company log colors may be used if the logo does not exceed five percent of the face area of the sign when including these fluorescent or brilliant colors.

(11) Illumination. A billboard may be illuminated subject to all of the following requirements:

- a. Illumination must be directed in such a manner that all incidental light generated falls on the sign face;
- b. All lights must be shielded such that the light is not visible to traffic or surrounding homes, businesses or vegetation;
- c. The intensity of the lighting shall be low enough and a color such that the reflected lights from the sign does not create a traffic hazard nor interfere with the normal vegetation growth on the billboard site; and
- d. Billboards within view of any residential structure or residentially zoned property may not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

(12) Landscaping. The billboard site shall be planted with low growing shrubbery in front of and at the road end of the sign, and evergreen trees shall be planted behind the sign such that the framework or superstructure of the sign is generally not readily visible to passing traffic.

(13) Temporary nonuse. Any off-premises sign or billboard not in use for commercial purposes shall have such unused surface display a scenic view consistent with the township scenery or a public service display.

(14) Identification plate. The framework, foundations or superstructure of the billboard shall have a metal identification plate firmly attached thereto.

(15) Maintenance and unsafe conditions. Any billboard that collapses, topples or disintegrates shall be made safe or the site shall be cleared of the debris within 30 calendar days.

(b) State compliance required. All billboards shall comply with all requirements and conditions of the Highway Advertising Act, Public Act No. 106 of 1972 (MCL 252.301 et seq.).

(Ord. No. 147-43, § 15.008, 12-15-2003)

40-951. Temporary signs requiring permit.

(a) Commercially oriented decorative displays. Special decorative displays or signs used for holidays, public announcements or promotion of civic welfare or charitable purposes when said display is located on commercially zoned property and is used for a commercial purpose shall be reviewed by the building official for a permit. In considering an approval for a permit, the building official shall consider the following standards:

- (1) The size, character and nature of the display or sign shall consider the proposed site of display for proper scale and relationship with the site and adjoining properties.

- (2) The duration or time period during which the display or sign will be utilized shall coincide with the purpose for which it was approved.
- (3) The purpose for which the sign display is to be erected.
- (4) The arrangements made for the removal of the sign or display after the termination of its usefulness.
- (5) The effect of the proposed sign or display on light and air circulation for lots that are both adjoining and in the surrounding neighborhood of the proposed sign or display.
- (6) Whether or not the sign or display will constitute a traffic hazard.
- (7) Prior to the erection or establishment of special displays or promotions authorized under this part, an application for a permit must be filed with the building official unless otherwise exempt under section [40-944](#)

(b) Construction signs. Construction signs are signs showing names of building contractors, professional firms and lending institutions on nonresidential sites under construction, not exceeding 20 square feet in area and four feet in height, and are not located nearer than ten feet to a public right-of-way. The sign shall be confined to the site of the construction, construction shed or trailer and shall be removed within 14 days of completion of the project. The planning commission shall review construction signs during site plan review procedures as stated in article II, division 2 of this chapter.

(c) Portable signs. Nonilluminated portable signs are permitted for up to two special events per year, such as grand openings, fairs and festivals, and announcement of new products, service or management, including the event period, provided that the following conditions are met:

- (1) The portable sign does not exceed 32 square feet in area on any side.
- (2) The portable sign is not located closer than five feet to a street right-of-way.
- (3) No portable sign shall exceed ten feet in height.
- (4) No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
- (5) Portable signs shall be limited to 15 days per event period.
- (6) Prior to the establishment of a portable sign, an application for a permit shall be filed, accompanied by any requisite processing fees that may be established by township board resolution, with the building official.

(d) Business opening signs. Except as otherwise provided, banners, search lights, twirling signs, sandwich

board signs, sidewalk or curb signs, aerial balloons or other gas filled figures are prohibited except at the opening of a new business in a commercial or industrial district, for a period not to exceed 30 consecutive days. For the purpose of this article, a new business shall be characterized by a change of land use, business type or change of ownership or management.

(e) Banners.

(1) Street banners advertising a public entertainment or event may be displayed 14 days prior to and through the completion of such event. Street banners shall be removed within seven days following such event.

(2) Banners and pennant displays shall be permitted for retail establishments only to call attention to a sale or promotion. Said permitted display shall not exceed a period of 30 consecutive calendar days. No more than three banner and pennant displays shall be permitted for any business during a period of 365 days.

(Ord. No. 147-43, § 15.009, 12-15-2003)

40-952. Sign maintenance.

(a) Maintenance of signs. All signs for which a permit is required and all related supports shall:

- (1) Be maintained in compliance with the plans and specifications filed and approved for issuance of the construction permit;
- (2) Remain in a safe condition;
- (3) Comply with adopted building and mechanical codes; and
- (4) At all time conform to all the provisions of this chapter.

(b) Responsibility for compliance. The owner of any real property on which a sign is located is responsible for the permit, erection, inspection, safety, condition and removal of a sign and the area in the vicinity thereof.

(c) Inspection of new signs. All signs for which a permit has been issued shall be inspected by the building official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable standards of township ordinances and codes.

(d) Inspection before enclosure. In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the building official for inspection prior to enclosure.

(e) Inspection of existing signs. Enforcement officials from the township may, at such times as deemed

necessary, inspect any sign allowed under this section, and if upon inspection a sign is found to be unsafe or in a condition that does not comply with all the provisions of this chapter, the building official shall give notice of such condition to the owner for such sign and cause to be made the necessary repairs or alterations, or remove the sign.

(f) Correction of defects.

(1) If the township enforcement official shall find that any sign is unsafe or unsecured, or is a menace to the public, he shall provide written notice to the owner of the premises on which such sign is located.

(2) Correction of the condition that caused the enforcement official to give such notice shall be effected within ten days after receipt of the notice. If such condition is not corrected after the conclusion of such ten day period, the enforcement official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner. Notwithstanding the foregoing provision, the building official is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner of the premises on which such sign is located, whenever he determines that such sign is an immediate peril to persons or property.

(g) Removal of obsolete signs. Any sign that no longer identifies a business that is in operation, or identifies an activity or event that has already occurred shall be considered abandoned and shall be removed by the owner of the property within 30 calendar days of the cessation of operation.

(1) Responsibility. The owner of the property shall be responsible for removal of all signs and sign faces used in conjunction with a business upon vacation of a commercial or industrial establishment.

(2) Pending occupancy. Where a sign structure and frame can typically be reused by a new occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied.

(3) Abandoned message. If the message portion of a sign is removed or damaged, leaving only the supporting shell or structure of a sign, the owner of the property where the sign is located shall require that within 30 calendar days, either:

- a. The message portion of the sign be repaired or replaced; or
- b. All remaining components of the sign be dismantled and removed.

This subsection shall not be construed to alter the effect of section [40-953](#) that prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

(Ord. No. 147-43, § 15.010, 12-15-2003)

40-953. Nonconforming signs.

(a) Continuance. Any sign lawfully existing at the time of the adoption of this article that does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as herein provided.

(b) Allowed modifications. A nonconforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this section. For the purpose of this section only, the term "altered" or "reconstructed" shall exclude any of the following:

- (1) Normal maintenance;
- (2) Changing of surface sign space to a lesser or equal area;
- (3) Ornamental molding, frames, trellises or ornamental features or landscaping below the base line;
- (4) The addition, construction, installation or changing of electrical wiring or electrical devices;
- (5) Backgrounds, letters, figures or characters, or other embellishments.

a. Maintenance and repairs. Normal maintenance shall be allowed, provided that any nonconforming sign that is destroyed by any means to an extent greater than 50 percent of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs, replacement of faded or damaged surface panels, or repair or replacement of electrical wiring or electrical devices.

b. Nonconforming changeable copy signs. The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.

c. Substitution prohibited. No nonconforming sign shall be replaced with another nonconforming sign.

(Ord. No. 147-43, § 15.011, 12-15-2003)

40-954. Variance procedures.

(a) Zoning board of appeals jurisdiction. Any party who has been refused a sign permit for a proposed sign may file an appeal with the zoning board of appeals within 30 calendar days of the decision, in accordance with provision of this chapter. If a party is seeking a variance for a sign proposal from the requirements of this chapter, the zoning board of appeals shall have the authority to grant a variance where the strict application of the regulations would result in peculiar or exceptional practical difficulties, or exceptional undue hardship upon

the applicant, provided that such relief may be granted without substantially impairing the intent and purposes of this article. Additionally, the zoning board of appeals may consider the standards stated in subsection (b) of this section in the granting of a variance under this article.

(b) Variance standards (signs). The board may consider the following issues or similar concerns in arriving at a decision regarding a variance. In granting a variance the board may attach such conditions regarding the location, character and other features of the proposed sign as it may deem reasonable. In granting a variance, the board shall state the grounds and findings upon which it justifies granting the variance.

- (1) Visibility. Conforming signs were blocked from sight of passing motorists due to existing buildings, trees or other obstructions.
- (2) Safety. Conforming signs could not be seen by passing motorists in sufficient time to allow safe deceleration. In determining whether such circumstances exist, the zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic and speed limits.
- (3) Clutter. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
- (4) Natural features. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as, but not limited to, removal of trees, alteration of the natural topography, or obstruction of a natural drainage course.
- (5) Obstruction. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
- (6) Enhancement Variance from certain sign regulations would be offset by increased building setback, increased landscaping or other such enhancements to the premises, so that the net effect is an improvement in appearance, compared to the result that would be otherwise achieved with construction of a conforming sign.
- (7) Scale. A sign that exceeds the allowable height or area standards of this chapter would be more appropriate in scale because of the large size or frontage of the premises or building.

(Ord. No. 147-43, § 15.012, 12-15-2003)

40-955. Cost recovery by township.

All costs incurred by the township in the enforcement of this article or the removal of signs not in compliance with this article shall become an enforceable lien against the property on which said sign is erected. The owner of said land shall be responsible for all costs related to enforcement, removal, and legal expenses. Costs may be collected by any means legally available to the township.

(Ord. No. 147-43, § 15.013, 12-15-2003)

¹**State Law reference**—State highway advertising act, MCL 252.301 et seq.